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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL**Forty-First Ordinary Session
Geneva, October 25, 2007****REPORTS BY REPRESENTATIVES OF MEMBERS AND OBSERVERS
ON THE LEGISLATIVE, ADMINISTRATIVE AND TECHNICAL FIELDS***Document prepared by the Office of the Union*

1. According to the practice introduced on the occasion of the twenty-sixth ordinary session of the Council, the reports from the representatives of members and observers on the situation in the legislative, administrative and technical fields of plant variety protection and related areas are requested to be submitted in writing, in advance, to increase the ability of the Council to carry out its tasks effectively.

2. Written reports were requested by the Office of the Union in the invitation circular relating to this session and a model format was proposed. The following reports were submitted (in alphabetical order of the names in French):

Members: Annexes I to XVII: Germany, Argentina, Australia, Belgium, Croatia, Hungary, Israel, Japan, Lithuania, Moldova, Paraguay, Czech Republic, Slovakia, Slovenia, Switzerland, Tunisia and Viet Nam.

Observers: Annex XVIII: Serbia.

[Annexes follow]

PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 The Decree on Procedure before the Federal Plant Variety Office has been amended in that electronic filing of variety protection and approval is now possible.

1.2 Nothing to report.

1.3 Nothing to report.

2. Cooperation in examination

A new examination agreement has been concluded with Latvia; an existing examination agreement with France has been renewed.

3. Situation in the administrative field

Nothing to report.

4. Situation in the technical field

See 1.1, separate report follows in CAJ.

5. Activities for the promotion of plant variety protection

During the reporting period, the Federal Plant Varieties Office received a delegation from the member Republic of Korea.

RELATED FIELDS OF ACTIVITY

Nothing to report.

[Annex II follows]

ANNEX II

ARGENTINA

PLANT VARIETY PROTECTION

1. Situation in the legislative field

- 1.1. Amendments to the Law and Regulations: no amendments have been made in this area.
- 1.2. Case law: the National Seeds Institute (INASE) continues to increase its case law in relation to breeder's rights. Decisions of the INASE Directorate of Legal Affairs, referring to denominations of varieties and objections raised to procedures for protection of plant varieties by means of breeders' rights, and INASE Resolution No. 35/96 on the farmer's exemption are attached*.
- 1.3. Extension of protection to other genera and species: Law No. 20.247 on Seeds and Phylogenetic Creations and its Regulatory Decree No. 2183/91 allows the protection of plant varieties of all genera and species in Argentina. In this regard, the INASE of the Republic of Argentina is authorized to provide such protection. During 2006 and at the beginning of 2007, applications for protection of plant varieties were submitted, in relation to which applications had not been submitted previously: *Brachiaria*; *Portainjertos citrico* and Tobacco. Similarly, the grant of titles in relation to new genera and species continued, as it had begun in the previous year, such as maté grass; tea; *Stevia rebaudiana* and *Eucalyptus grandis*.

2. Cooperation in examination

No changes occurred in this area. The exchange of documentation and information under the examination cooperation system within UPOV continued as previously. Similarly, the Collaboration and Cooperation Agreement between the Community Plant Variety Office (CPVO) and INASE of Argentina, concluded in 2005, continued as previously and functioned very efficiently.

3. Situation in the administrative field

No changes have occurred in this regard.

4. Situation in the technical field

No changes have occurred in this area. Within INASE, the Directorate for Registration of Varieties is responsible for conducting the technical studies leading to the entry of a variety in the National Register of Cultivars and/or to the grant of the Ownership Title (Breeder's Right). The INASE Directorate of Legal Affairs is involved in legal matters within its competence.

* Attachments available upon request.

As regards technical aspects, DUS growing trials continued for the Soya species, as had been the case since 1995. In December 2006, these tests were inspected by the National Seeds Commission, the INASE technical advisory body, made up of seed production and marketing representatives, seed users, breeders, the Agricultural Institute of National Technology (INTA) and the National Office of Agricultural Commercial Inspection (ONCCA). On this occasion, a presentation was made on the breeder's rights system in Argentina and at the international level (UPOV), and the contents of the DUS examination were explained to those present, together with the criteria of the UPOV guidelines, with a view to subsequently visiting the testing fields.

In November 2006, three agronomy students, holding technical scholarships, were included in the Directorate for Registration of Varieties team, in accordance with an agreement concluded with the Faculty of Agronomy of the National University of Buenos Aires. The aim of this inclusion was for the students to collaborate with the different sectors of the Directorate at the same time as receiving training on the technical aspects involved in the examination of a plant variety within the framework of the UPOV guidelines.

5. Activities to promote the protection of plant varieties

INASE has participated in different fora on the subject of intellectual property of plant varieties and collaborated with speakers in the following events:

- Fifth Training Course for trainers from Ibero-American countries on plant variety protection. Santa Cruz de la Sierra – Bolivia (November 2006 and July 2007).
- “The Protection of Plant Varieties within the framework of the 1991 Act of the UPOV Convention”. Speaker on the subject: scope of breeder's rights and exceptions thereto. Santa Fe de Bogotá – Colombia (November 2006).
- “International Community of Breeders of Asexually Reproduced Ornamental and Fruit Varieties (CIOPORA) seminar for the Americas” – Speaker on the subject: The protection of plant varieties in Argentina. Cuernavaca – Mexico (April 2007).
- Workshop on Registration of Varieties in Argentina: Bahía Blanca regional office – Buenos Aires (July 2007).
- Eighteenth Meeting of Scientific and Technical Communications and Extension – Speaker on the subject: Plant varieties and intellectual property. National Coastal University - Provincia de Corrientes (August 2007).

Forms and Descriptions

On its website www.inase.gov.ar, INASE has published, under the link of the Directorate for Registration of Varieties (RNC/RNPC), the general forms for the registration of varieties and those corresponding to the description of varieties of different groups of species, in order to facilitate access to that information.

Similarly, also published on the same site are the descriptions of the varieties registered for the wheat and soya species. These descriptions are extremely useful for the inspectors accredited in the seeds certification system.

RELATED ACTIVITY SECTORS OF INTEREST TO UPOV:

National catalogue of cultivars: this National Catalogue is updated periodically, including the varieties authorized for marketing and those protected by breeder's rights. It may be consulted at www.inase.gov.ar.

Genetic Resources:

- As a result of the issue of INASE Resolution No. 22 in January 2006, which created the National List of Native Plant Species and the List of Operators with Native Plants, during the second half of 2006 INASE organized a series of seminars-workshops in order to disseminate the theme and scope of this project. Engineers from the National Secretariat for Environment and Sustainable Development, the Secretariat for Agriculture, Livestock, Fisheries and Food – specifically the National Advisory Commission for Genetic Resources (CONARGEN) – attached to INTA, and INASE engineers were invited to participate as speakers on subjects for which they are responsible. Within the subject matter of the seminars, exhibitions were held on the Convention on Biological Diversity (CBD), the FAO International Treaty on Phytogenetic Resources for Food and Agriculture, the INTA Network of Germoplasm Banks, the National Advisory Commission for Genetic Resources (CONARGEN), Law 20.247 on Seeds and Phytogenetic Creations and the System of Protection of Plant Varieties by Breeder's Rights, in addition to the scope of INASE Resolution No. 22.

In this regard, the details of six regional seminars and their conclusions have been published and are available at www.inase.gov.ar.

- In May 2007, INASE participated with two scholarship holders (one technical and one legal), in the training course on genetic resources and intellectual property, organized and financed by the Swedish International Development Cooperation Agency (SIDA), under the supervision of the Swedish Biodiversity Center (CBM) and organized by Svalöf Consulting.

Twenty-eight representatives from 22 countries participated in this important course.

[Annex III follows]

ANNEX III

AUSTRALIA
(year 2006-2007)

The format of this report follows that specified in previous years and briefly records information for the financial year ending 30 June 2007.

PLANT VARIETY PROTECTION

1. Situation in the legislative field

- 1.1 Omnibus legislation (the *IP Laws Amendment Act 2006*) made a number of minor and technical amendments to the *Plant Breeder's Rights Act 1994* including clarifying the effect of the Plant Breeder's Rights Offices not being open for business and to facilitate the integration of the administration of the Plant Breeder's Rights Scheme within IP Australia.

A compiled version of the *Plant Breeder's Rights Act 1994* is available from the IP Australia website (<http://www.ipaustralia.gov.au/pbr/index.shtml>).

- 1.2 No PBR specific case law has been finalized in 2006/2007.

2. Cooperation with examination

No new cooperation agreements have been entered into in 2006/07.

3.&4. Situation in the administrative field

In 2006-2007 the Australian PBR office received an application for accreditation as a Centralised Test Centre (CTC) for DUS testing of *Kalanchoe*.

This application is in addition to the existing 38 CTCs for the following 52 plant types: Potato, Sugar Cane, Canola, Wheat, Oats, Clematis, *Mandevilla*, *Diascia*, *Argyranthemum*, *Pelargonium*, Perennial Ryegrass, Tall Fescue, Tall Wheat Grass, White Clover, Persian Clover, *Bracteantha*, *Aglaonema*, *New Guinea Impatiens*, *Bougainvillea*, *Verbena*, *Agapanthus*, *Camellia*, *Lavandula*, *Osmanthus*, *Ceratopetalum*, *Rosa*, *Euphorbia*, *Limonium*, *Raphiolepis*, *Eriostemon*, *Lonicera*, *Jasminum*, *Angelonia*, *Cuphea*, *Cynodon*, *Zoysia*, *Petunia*, *Calibrachoa*, *Hordeum*, *Leptospermum*, *Rhododendron*, *Osteospermum*, *Antirrhinum*, *Dahlia*, *Anubias*, *Ananas*, *Dianella*, *Plectranthus*, *Zingiber*, *Zantedeschia*, *Prunus* and *Mangifera*.

IP Australia also maintains and updates weekly a Homepage (www.ipaustralia.gov.au/pbr/index.shtml) that includes PBR information, downloadable forms; and a searchable database including information on current applications, variety descriptions, images and grants.

Year	Applications Received	Applications Completed	Applications Pending
Ending 30/6/07	353	329	
Total 1988 to 2007*	5456	4288	1168

*= as at 30 June 2007

During 2006, the Advisory Council on Intellectual Property (ACIP) launched a review into the enforcement of PBR. The review is wide ranging and will consider possible strategies to assist Australian PBR holders to effectively enforce valid rights. The review also includes a consideration of whether there may be benefits from extending the jurisdiction of the Federal Magistrates Court to include PBR matters. ACIP has conducted a number of consultations, developed an issues paper and intends to release a discussion paper in October 2007. Further information is available from <http://www.acip.gov.au/reviews.html#pbr>.

5. Activities for the promotion of plant variety protection

IP Australia has been involved in the following promotional activities:

- 5.1 *'Introduction to enforcement of plant patents and interactions with plant variety rights'* 2006 International Conference on Biology-Related Patents, Taipei, 28-29 September 2006.
- 5.2 *'Plant Breeder's Rights'* in Emerging IP Issues in Asia Pacific, Trading Ideas Conference, Sydney, January 2007.
- 5.3 *'New Varieties, Why, What and Where of Plant Variety Rights'* ~ Lectures, Canberra Institute of Technology, School of Horticulture, 2007.
- 5.4 *'Benefits of UPOV 1991 to agriculture and trade'*. 20 Years of PBR in Australia, Symposium, Australian Centre for Intellectual Property in Agriculture, Canberra, June 2007.

[Annex IV follows]

PLANT VARIETY PROTECTION

1. Situation in the legislative field

Adaptation to the 1991 Act of the Convention:

This project is in progress. The preliminary draft law has been submitted for consultation to the professional sectors concerned. The next stage is to forward it to the Cabinet, to the Council of Ministers, and to seek the opinion of the Council of State.

Access to plant variety protection under the 1991 Act is nevertheless still possible on Belgian territory, through the Community Plant Variety Office, in accordance with the European regulations in force on the subject.

2. Cooperation in examination

No change.

3. Situation in the administrative field

- Changes in the administrative structure:

No change.

- Volume of activity - status as at 31.08.2007:

Since the entry into force of the legislation on the protection of plant varieties in Belgium, and up to August 31, 2007, 2,242 applications for protection have been registered and 1,800 certificates issued, of which 243 are still in force.

DEVELOPMENTS IN RELATED FIELDS OF ACTIVITY OF INTEREST TO UPOV

National catalogues of varieties

Transposition of Directive 2006/127:

- *Besluit van de Vlaamse Regering van 27 april 2007 betreffende de kenmerken waartoe het onderzoek van bepaalde rassen van landbouw- en groentegewassen zich ten minste moet uitstrekken, en de minimumeisen voor dat onderzoek.*
- Ministerial Order of May 31, 2007, amending Annexes I and II of the Order of the Walloon Government of May 27, 2004, on testing for the inclusion of varieties of agricultural plant and vegetable species in the national catalogue.

Control of seeds and seedlings - certification

Transposition of Directive 2002/56:

- *Besluit van de Vlaamse Regering van 19 januari 2007 houdende de reglementering van de handel in en de keuring van poot aardappelen.*
- *Ministerieel Besluit van 27 februari 2007 tot vaststelling van een keuring- en certificeringreglement voor de productie van poot aardappelen.*

Transposition of Directive 2006/55:

- Ministerial Order of November 27, 2006, amending Annex III of the Order of the Walloon Government of February 9, 2006, on the production and marketing of cereal seed.

Transposition of Directive 2006/124:

- *Besluit van de Vlaamse Regering van 27 april 2007 tot wijziging van het besluit van de Vlaamse Regering van 18 maart 2005 houdende het in de handel brengen van teeltmateriaal en plantgoed van groentegewassen, met uitzondering van groentezaad, tot wijziging van het besluit van de Vlaamse Regering van 16 december 2005 houdende de reglementering van de handel in en van de keuring van groentezaad en zaad van cichorei voor de industrie en tot wijziging van het ministerieel besluit van 21 december 2001 tot vaststelling van een keuring- en certificeringreglement van zaaizaden van groenten en van cichorei voor de industrie.*
- Order of the Walloon Government of July 5, 2007, on the production and marketing of vegetable propagating and planting material, other than seed.
- Ministerial Order of June 6, 2007, amending the Order of the Walloon Government of February 9, 2006, on the production and marketing of vegetable seed and industrial chicory seed.

Control of seeds – seed cleaning

- *Besluit van de Vlaamse Regering van 19 mei 2006 betreffende de loontriage van zaden van bepaalde soorten van landbouwgewassen die bestemd zijn om te worden ingezaaid.*

Fees

- *Besluit van de Vlaamse Regering van 19 januari 2007 houdende vaststelling van de retributies voor de inschrijving van de rassen in de nationale rassencatalogi, voor de uitoefening van bepaalde beroepen in de sector van het plantaardige teeltmateriaal en voor de keuring van dat materiaal.*

Legislation on GMOs

- *Voorontwerp van decreet houdende de organisatie van coëxistentie van genetisch gemodificeerde gewassen met conventionele gewassen en biologische gewassen.*

This preliminary draft was approved by the Flemish Government at its first reading on March 30, 2007. It must still be approved at its second reading, following an opinion from the Council of State and notification to the European Commission, before being submitted to Parliament.

- In progress: Preliminary draft decree on the co-existence of genetically modified crops with conventional and organic crops. This preliminary draft was notified to the European Commission in September 2006, under Directive 98/34/CE, laying down a procedure for the provision of information in the field of technical standards and regulations. The text was approved by the Walloon Government at its third reading in July 2007 and submitted to the Council of State for the second time. It must be approved by the Government at its fourth reading before being submitted to the Walloon Parliament.

Other

- Law of April 19, 2007, on the judicial aspects of the protection of intellectual property rights. This law will enter into force on November 1, 2007.
- Law of May 9, 2007, on the civil aspects of the protection of intellectual property rights. This law will enter into force on May 10, 2007.
- Law of July 18, 2007, on the repression of counterfeiting and piracy of intellectual property rights. This law will enter into force on November 1, 2007.

[Annex V follows]

ANNEX V

CROATIA

1. Situation in the legislative field

1.1. There have not been any changes of the Law and implementing regulations by now, but changes of the Law and implementing regulations are planned in 2008.

1.2. There have not been any changes of the case law.

1.3. Extension of protection to further genera and species is planned in 2008.

2. Cooperation in Examination

– The administrative agreement for cooperation in the testing of Distinctness, Uniformity and Stability with Slovenia was signed in January 2007. *The Institute for Seed and Seedling, Osijek –Croatia provide DUS testing for Slovenia for the following genera and species: spring barley, winter barley, spring wheat, winter wheat and maize.*

– The bilateral agreement of cooperation with Hungary was signed in 2002; no changes.

– The bilateral agreement concerning the exchange of DUS reports with Bundessortenamt, Germany was signed in 2002; no changes.

– The purchase of DUS reports and descriptions is effectuated with the CPVO, France, the Netherlands, Germany, Italy, Hungary, Spain, the Czech Republic and Slovakia.

3. Situation in the Administrative Field

No breeder's right was granted.

4. Situation in the Technical Field

– All activities related to plant variety protection are under the responsibility of the Institute for Seed and Seedlings.

– The Council of the European Union adopted Council Decision 2006/545/EC of 18 July 2006 on the equivalence of the official examination of varieties carried out in Croatia. Therefore, the official examination as regards distinctness, stability and uniformity of the varieties of species *Hordeum vulgare L.*, *Triticum aestivum L.* and *Zea Mays L.* carried out in Croatia by the Institute for Seed and Seedlings, Osijek shall be considered to afford the same assurances as those carried out by the Member States of the EU.

5. Activities for the Promotion of Plant Variety Protection

5.1. *The 6th EESNET meeting, 22-24 October, Opatija, Croatia*

The topic of the meeting was: “Plant Variety Protection”

Participants: 212

Countries: 24

Number of participants per country: *Austria (3); Bosnia and Herzegovina (6); Belgium (2) Bulgaria (3); Croatia (79); Czech Republic (11); Denmark (1); Estonia (1); France (12); Georgia (1); Germany (4); Hungary (17); Italy (16); Latvia (2); Lithuania (2); Poland (6); Romania (3); Slovenia (2); Switzerland (2); Serbia (29); Netherlands (6); Turkey (1); Ukraine (2) and United Kingdom (1).*

The Program of the 6th EESNET meeting and the presentations can be downloaded from <http://www.zsr.hr>.

5.2. *With reference to the Commission Decision C/2005/4762 the multi-beneficiary Program on participation of Croatia in CPVO has been signed*

The objective of the program is:

- to inform competent bodies and stakeholders in Croatia about technical, administrative and procedural aspect of Community system as well as the legal impact of the extension of the CPVR system such as the rights in force prior to accession and those granted after accession, etc.;
- the program also aims to prepare the competent national authorities to participate in the CPVR system and to give assistance to bring national legislation in line with EU legislation requested.

Activities of the program:

Component 10: Familiarization of technical and administrative people with processing applications and technical aspects

Component 11: Familiarization of plant breeders with the community system

Component 12: Familiarization of plant breeders, procedural representatives and lawyers on legal aspects

Component 13: Study visits of DUS crops experts

Component 14: Introduction to administrative and procedural steps of the CPVR system

Component 15: Participation in a PVR course

Component 16: Information of growers on CPVR system

Component 17: Participation in trade fair

Component 18: Education of young professionals

5.3. *Visits*

Visit of the State Secretary of the Republic of Serbia (Mr. M. Petrović), the Assistant of Minister of the Ministry of Agriculture, Forestry and Water Management of Republic of Serbia (Mrs. Mirjana Milošević) and the Senior Adviser (Mr. M. Čuprić) to the Institute of Seed and Seedlings, Osijek, Croatia in August 2007.

[Annex VI follows]

ANNEX VI

HUNGARY

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations:

- adaptation to the 1991 Act of the Convention on 1 of January 2003.

1.2 Case law

Nothing to report.

1.3 Extension of protection to further genera and species (made or planned)

Nothing to report.

2. Cooperation in examination

- Conclusion of new agreements (completed, in progress or planned):
New agreement with Romania, in favor of the specialization of crops.
- Amendment of existing agreements (completed, under way or planned):
New modified agreement with Slovenia, develop more widely the number of crops

3. Situation in the administrative field

- Changes in the administrative structure:

As reported on January 8, by the decision of the Government of the Republic of Hungary written in the Government Regulation 274/2006 (XII.23), the National Institute for Agricultural Quality Control (OMMI) is ended.

The Agricultural Central Office (legal successor of National Institute for Agricultural Quality Control, address: 1024 Budapest. Keleti Károly u. 24.) is a national authority, financed from the state budget, which functions as the legal successor of a number of institutes.

The Agricultural Central Office represents Hungary in intergovernmental and independent international organizations, issues international certificates of origin and certifies those received from abroad, and participates in the Hungarian and international development of methods and analytical techniques.

The Directorate Plant Production and Horticulture is responsible for the variety tests and registration for National Lists seed certification including inspection of seed and any propagation materials, seed testing and control of the seed market. Hungary's National Seed Law (Act of 2003: number LII. on State Registration of Plant Varieties and Production and Marketing of Seeds and Vegetative Propagation Materials) and its

Seed Decree regulates seed certification and marketing. The Hungarian Law is harmonized with EU legislation. The Director of the Plant Production and Horticulture, Dr. Katalin Ertsey, from the side of Central Agricultural office, is the contact person for the UPOV Secretariat.

– Changes in office procedures and systems:

In 2007 we worked out the new informatics system harmonized with the seed certification. The new system developed the communication in the office among the divisions and the contact with clients and give easy reach for the Hungarian and European database. The applicants can obtain electronically all application forms and technical questionnaires, with all forms being suitable for completion by computer. However, the Central Agricultural Office accepts only finally official applications in hard copy format with signature and stamps of applicants by Hungarian legislation.

4. Situation in the technical field (see under 3)

We reorganized the Variety trial testing station structure in 2006. The number of the testing places are the same as before (17) but their work is organized by 5 main stations representing the agricultural regions of the country. Tordas is the central DUS trial station, Szarvas, Szombathely, Debrecen and Eszterág are the centers of the regions. Monorierdő is the post-control station.

5. Activities for the promotion of plant variety protection

– Meetings, seminars, etc.:

- Hungary organized the Thirty-Sixth Session of the Technical Working Party for Agricultural Crops (TWA) in Budapest from May 28 to June 1.
- Hungary participated in the Sessions of the Technical Working Party for Ornamental Plants and Forest Trees (TWO) and Technical Working Party for Vegetables (TWV) in 2007.
- Mr. Zoltán Major graduated on the UPOV distance learning course in 2007.

– Publications:

National Lists of Varieties 2007

RELATED FIELDS OF ACTIVITIES, IF OF INTEREST TO UPOV

- The National Seed Law (Act of 2003: number LII. on State Registration of Plant Varieties and Production and Marketing of Seeds and Vegetative Propagation Materials had amendments in the new version the new name of Testing Office, Central Agricultural Office.
- 87/2007 VII.17 Decision of the Ministry of Agriculture and Rural Development contains the changes of the structure and harmonized lists of the species by European legislation of marketing of propagation materials.

- 70/2006 (IX.27.) Decree of Ministry of Agriculture and Rural Development is modification of the Decree 48/2004 (IV.21 on seed production and marketing).
- Catalogues of varieties authorized for sale; seed certification
 - National Lists of Varieties 2007
 - Agricultural Species
 - Vegetables Species
 - Fruit Species and Grape
 - Ornamental Species

Seed multiplication area in 2006

Code. Species	Area inspected (ha)	Area approved (ha)	Area non-approved (ha)	Area non-approved (%)	Number of species	Number of varieties	Number of fields	Average field size (ha)
Total:	90,207.6	86,959.5	3,247.1	3.6	91	1,052	6,738	15.7

Number of certified lots of seed and potato seed, 2006

Year	Seed	Potato seed	Total
	lot		
	pieces	pieces	pieces
2006	13,691	359	14,050

Certified seed quantities, 2006

Year	Seed	Potato seed	Total
	quantity		
	mto	mto	mto
2006	223,777	5,384	229,161

- Rules and regulations in the field of genetic engineering (release of genetically modified organisms etc.)

Act 107 / 2006 on modified act 27/ 1998 on gentechnological activity in Hungary

- Research and development (innovations - new types of varieties, new techniques)

Evaluation testing method of resistance of Sunflower against broom rape, *Orbanche*

Evaluation testing method of resistance of Pepper against *Xanthomonas campestris pv. vesicatoria*

- Genetic resources

Central Agricultural Office, Research Centre for Agrobotany, Tápiószele

[Annex VII follows]

ANNEX VII

ISRAEL

FOR THE PERIOD JANUARY 1 TO AUGUST 31, 2007

1. Situation in the legislative field

- 1.1 Adaptation to the 1991 Act of the Convention in April 1996
- 1.2 There are several cases in process, sub judice (DNA, EDV).
- 1.3 All genera and species are eligible.

2. Cooperation in examination

There are no new agreements or any changes in existing agreements.

3. Situation in the administrative field

During this period of time, 102 applications were received and 35 registrations were effectuated.

4. Activities for the promotion of plant variety protection

- Participation in the Technical Committee, Administrative and Legal Committee, Consultative Committee and Council.
- Participation in Technical Working Parties: Technical Working Party for Fruit Crops and Technical Working Party for Ornamental Plants and Forest Trees.
- Official Publications in 'Reshumot' and a new Gazette (No. 69, July 2007).

[Annex VIII follows]

ANNEX VIII

JAPAN

PLANT VARIETY PROTECTION

1. Situation in the legislative field

“The Plant Variety Protection and Seed Act” has been amended to include provisions for:

- legal responsibility to endeavor to label the verification of the registration as well as the denomination of the variety, which makes it clearer to the public of the existence of the PBRs and helps to prevent unintentional infringements;

- enhancement of criminal penalties:

Before amendment: imprisonment with work for not more than 3 years or a fine of not more than 3 million yen (100 million yen in case of legal persons);

After amendment: imprisonment with work for not more than 10 years and/or a fine of not more than 10 million yen (300 million yen in case of legal persons);

- Smooth procedure of civil suit, which makes it easier for breeders to take counter measures against infringements.

2. Cooperation in examination

Japan has started international cooperation in examination with CPVO since 2006 and fully harmonized technical protocols for Rose, Petunia and Calibrachoa on April 1, 2007. Both parties have agreed on extension of the cooperation to Chrysanthemum and Verbena this year and also exchanged experts to study the situation of DUS test in the examination authorities.

Japan has been discussing with the Republic of Korea, Viet Nam and some other countries to start the cooperation.

3. Situation in the administrative field

The number of examiners has been increased from 23 to 28.

4. Situation in the technical field

Japan has been reviewing all the technical protocols to harmonize internationally until the end of March, 2007. Japan has changed Color Chart from JHS to RHS on April 1, 2007.

5. Activities for the promotion of plant variety protection

The “Workshop on Cooperation and Harmonization in Plant Variety Protection in the Asian Region” will be held in Tokyo, Japan on October 4 and 5, 2007. The workshop aims at establishing mutual understanding in the importance of cooperation and harmonization in PVP among countries in the region, including member and non-member countries, thereby promoting cooperation activities among the Asian countries towards strengthening of PVP in the Asian region. Delegations from China, Indonesia, Malaysia, the Philippines, the Republic of Korea, Thailand, Viet Nam, the European Union and the Office of the Union have been invited. People from industries, institutions, local governments and public/private associations will attend the workshop.

RELATED FIELDS OF ACTIVITIES

None.

[Annex IX follows]

ANNEX IX

LITHUANIA

PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations:

- Law on Plant Variety Protection of the Republic of Lithuania (Official Journal, 2001, No 104-3701) as last amended by 19 of October 2006 (Official Journal, 2006, No 118-4453) (attached) *;
- Regulation No 710 of the Government of the Republic of Lithuania 15 of December 2005 regarding Replacement of Regulation of the Republic of Lithuania No 1458 15 December 2000 concerning Fees Rates (Official Journal, 2005, No 81-2958) (attached) *;
- Regulation No 1473 of the Government of the Republic of Lithuania 19 of September 2002 regarding Replacement of Regulation of the Republic of Lithuania No 1458 15 December 2000 concerning Fees Rates (Official Journal, 2002, No 93-3987) (attached) *;
- Order No 14 of the Director of Lithuanian State Plant Varieties Testing Center 5 of August 2003 on the Approval of Application Forms for Plant Variety Protection and Technical Questionnaires Forms for all Protected Plant Species (application form attached) *;
- Order No 3 D – 371 of the Minister of Agriculture of the Republic of Lithuania 23 of June 2004 regarding remuneration (attached) *;

1.2 Law on Plant Variety Protection of the Republic of Lithuania as last amended by 19 of October 2006;

1.3 List of Taxa Protected in Lithuania (attached) *.

2. Cooperation in examination

- Bilateral agreement with Polish Research Centre for Cultivar Testing regarding performing DUS tests 11 of August 2000;
- Agreement No 10 with Bundessortenamt (Federal Office of Plant Varieties), Germany, regarding transmission of results on technical examination for DUS tests of 30 of June 2006.

* Attachments available upon request.

3. Situation in the administrative field

- Commission for Evaluation of Applications for Variety Protection has been approved by the Order No 16 of the Director of the Lithuanian State Plant Varieties Testing Center 10 of September 2003;
- Plant variety protection shall be approved by the order of Director of Lithuanian State Plant Varieties Testing Center;
- Procedures for plant varieties protection are provided in the Law on Plant Variety Protection of the Republic of Lithuania.

4. Situation in the technical field

- DUS tests are performing by Polish Research Centre for Cultivar Testing according to bilateral agreement 11 of August 2000.

5. Activities for the promotion of plant variety protection

- On October 16 and 17, 2006, Lithuania participated at the session of the Administrative and Legal Committee, on October 18 at the session of the Consultative Committee and on October 19 at the session of the Council of the International Union for the Protection of New Varieties of Plants (UPOV) in Geneva, Switzerland;
- From March 29 to 31, 2007, Lithuania participated at the session of the Technical Committee of the International Union for the Protection of New Varieties of Plants (UPOV) in Geneva, Switzerland;
- On March 20 and 21, 2007, Lithuania participated at the meetings of the Administrative Council of the Community Plant Variety Office (CPVO) in Angers, France;
- On July 17, 2007, Lithuania participated at the meetings of the Administrative Council of the Community Plant Variety Office (CPVO) in Angers, France;
- Information Bulletin for Plant Breeder's Rights and National List No. 7 of Lithuanian State Plant Varieties Testing Center is published in January 2007 and No. 8 in July 2007.

RELATED FIELDS OF ACTIVITIES

- Every year Lithuanian National List of Varieties is approved by the order of the Director of the Lithuanian State Plant Varieties Testing Center. Propagating material of each variety from each plant species can be certified according Mandatory Requirements, prepared according to the respective EU directive;

- Law on Genetically Modified Organisms of the Republic of Lithuania (Official Journal, 2001, No 56-1976) and Law on the Amendment of the Law on Genetically Modified Organisms of the Republic of Lithuania (Official Journal, 2003, No 34-1419) provides control on genetically modified organisms and safe supply to the market;
- Law on the National Plant Genetic Resources of the Republic of Lithuania (Official Journal, 2001, No 90-3144) provides for conservation of genetic resources.

[Annex X follows]

MOLDOVA

1. Situation in the Legislative Field

1.1. Short term prospects

In order to fulfill the Republic of Moldova commitment under the Partnership and Cooperation Agreement between the Republic of Moldova (MD) and the European Union (EU), the process of harmonization of the national system in the field of plant variety protection according to the European legislation provisions has started.

According to the MD – EU Action Plan:

- the elaboration of a new law on the protection of plant variety in compliance with the UPOV Convention and European directives and regulations in the field is underway; and
- capacity building of the national bodies responsible for the administration of the plant variety system is foreseen in the period from 2006 to 2007.

In this regard the TACIS Project “Support to PCA and WTO Implementation and to EU-Moldova European Neighborhood Policy Action Plan” supported the State Agency on Intellectual Property of the Republic of Moldova (AGEPI) to elaborate the draft law on the protection of new plant varieties and other legislative acts in this field, as well financed an EU Short Term Local Expert to perform these tasks along with the local specialists.

Problems encountered:

Restrained financial resources for extending the list of the protected plant variety species and purchasing specialized equipment for DUS examination.

1.2. Case Law

There is no precedent with regard to the protection of breeders’ rights.

1.3. Extension of protection to further genera and species

According to the Republic of Moldova Government Decision of 03.07.07, the protection is extended to varieties of all botanical genera and species, including hybrids between genera and species.

2. Cooperation in examination

There are no bilateral agreements for cooperation in the examination of plant varieties.

3. Situation in the Administrative Field

No changes

– *Changes in the Procedural and Protection System*
No changes.

– *Statistics*
In the period from September 1, 2006 to September 1, 2007

– *12 national applications have been received, as follows:*

Barley - 2; Wheat - 1; Vetch - 1; Soybean - 1; Pea - 1; Sunflower - 3; Grapevine - 3.

– *5 patents for plant varieties have been granted, as follows:*
Sunflower - 2; Apple – 3.

At present there are 24 patents for plant varieties in force.

4. Situation in the Technical Field

No changes.

5. Activities for the Promotion of Plant Varieties Protection

– *Meetings, seminars*

In the period under review, for implementation purpose of the provisions and requirements of the Law No 915-XIII of July 11, 1996 on the protection of Plant Varieties of the Republic of Moldova, the AGEPI continued to organize seminars and workshops for representatives in industrial property, interested persons, including scientists and breeders, held within the AGEPI library, the Agricultural University of Moldova as well as in the territory.

In May 2007, with the TACIS Project support and participation of the EU Short Term Local Expert, the AGEPI organized a Round Table on the best European practices of Plant Varieties Protection, and the draft law on the protection of plant varieties was presented.

The AGEPI organized some meetings with the participation of the EU Short Term Local Expert and Moldovan officials from the Ministry of Agriculture in order to inform the authorities about the best practices of the EU countries related to the protection of the new plant varieties.

– *Publications*

The AGEPI maintains the web site: *www.agepi.md*, including the national legislation in the field of plant varieties protection, the application form for a plant variety patent, useful information for applicants and breeders, available in Romanian, Russian and English languages.

The AGEPI Publishing office has published the updated versions (in Russian and Romanian) of the booklets “How to obtain a plant variety patent in the Republic of Moldova”, and “Intellectual Property Protection in the Republic of Moldova”, which contain information on plant variety protection.

[Annex XI follows]

ANNEX XI

PARAGUAY

SITUATION IN THE LEGISLATIVE FIELD

Amendments of the law and the implementing regulations:

- Repeal of Articles 7, 8, 9, 10, 30(f), 81, 82, 83, 84, 85, 86 and 87 of Law No. 385/94, on Seeds and Protection of Plant Varieties, and of Article 45 of Law No. 2459, creating the National Plant and Seed Quality and Health Service (SENAVE).
- Resolution No. 145/04/07, regulating the importation and marketing of hybrids, laid down in Law No. 385/94, on the Protection and Use of Varieties.
- Resolution No. 293, approving the updated specific standard and establishing the limits and the procedures for the detection, identification and quantification of the inadvertent presence of genetically modified cotton seed in conventional cotton seed (non-GM).
- Resolution No. 321, approving the procedure establishing control measures for the marketing of cotton (seeds and grains), agricultural season 2007/08, in accordance with SENAVE Resolution No. 293/07.
- Resolution No. 338, approving the updated regulations on the chemical treatment of cotton seed, of the National Plant and Seed Quality and Health Service (SENAVE), and the relevant procedures for implementation.

ACTIVITIES FOR THE PROMOTION OF PLANT VARIETY PROTECTION

Agreement between the Association of Seed Producers and SENAVE.

Implementation of the Project entitled “Program to strengthen, modernize and improve the competitiveness of the seed sector in Paraguay”.

One of the specific objectives of this Program is:

Adaptation of the legal, technical and technological processes to ensure protection of new plant varieties.

The effective and efficient implementation of the legal and associated technical support processes, which are essential to ensure the efficient operation of the system for the protection of all botanical groups, in view of, for example, the commitments made by Paraguay with UPOV, FAO and WTO.

[Annex XII follows]

ANNEX XII

CZECH REPUBLIC

1. Situation in the legislative field

A bill is being prepared that will amend Act No. 408/2000 Coll., on the Protection of Plant Variety Rights and the Amendment to Act No. 92/1996 Coll., on Plant Varieties, Seed and Planting Material of Cultivated Plants, as subsequently amended and Act No. 6/2002 Coll., on Courts, Judges, Lay Judges and the State Administration of Courts and on the Amendment to some other Acts.

As regards the substance, the most important amendment is the proposed improvement of the current state of judicial enforcement of claims involving variety rights inserted into affected acts of jurisdiction according to subject matter of the courts, which would deal with protection of plant variety rights in the Czech Republic.

The removal of procedural provisions from the Act, which are compatible with procedural rules “lex generalis”, i.e. in Act No. 500/2004 Coll., Code of Administrative Procedure, is proposed. Conversely, provisions regarding possibilities to apply for conferment of variety rights from the Community and even from the Central Institute for Supervising and Testing in Agriculture are set forth in greater detail.

The bill also contains amendments arising from experiences and observations during application of the current Act, especially in the area of collection and reimbursement of maintenance fees. Other than that, certain botanical names have been corrected and the Act’s diction has been made more precise.

2. Cooperation in examination

The bilateral agreement on cooperation in testing with Austria has been signed.

3. Situation in administrative field

3.1. Changes in the administrative structure

As a result of an internal organizational change of the Central Institute for Supervising and Testing in Agriculture with effect from 1 January 2007, the Division of Plant Variety Testing has been renamed as the National Plant Variety Office and the Operational and Testing Division, administering the testing stations, has been established.

3.2. Activities

In the period September 1, 2006, to August 31, 2007, 76 applications for protection were received and 37 titles were issued. At the latter date, 645 titles were in force and 189 applications pending.

[Annex XIII follows]

ANNEX XIII

SLOVAKIA

PLANT VARIETY PROTECTION

1. Situation in the legislative field

The intellectual property of plant varieties is protected in accordance with the Variety Protection Law No. 132/1989 of the Collection of Laws.

Amendment No. 22/1996 of the Collection of Laws to the Law No. 132/1989 on the legal protection of new varieties of plants and breeds of animals was adopted in the National Council of the Slovak Republic on December 19, 1995 and came into force on February 1, 1996. This amendment brought the Slovak legislation into conformity with the 1991 Act of the Convention and also into conformity with the EC Council Regulation No. 2100/94. After adoption of Regulations No. 345/1997 and No. 346/1997 by National Council of the Slovak Republic on November 10, 1997 which came into force on January 1, 1998, the Slovak Republic is in a position to ratify the 1991 Act and to deposit the instrument of accession.

Fees for the tests necessary for the granting of a breeder's certificate and for legal protection are paid according to Law No. 181/1993 Coll. of Laws on administrative payments. Fees were published as an amendment to the Regulation for application of plant varieties for legal protection according to Law No. 132/89 Coll. of Laws. This regulation has been in force since December 1, 1994 and is available in Slovak and English versions for all applicants, holders of the breeder's certificate and agents of foreign companies at the ÚKSÚP, Variety Testing Department.

2. Cooperation in examination

Bilateral agreements with the Czech Republic, Poland, Hungary and Denmark.

The bilateral agreement of cooperation with Slovenia is under preparation.

3. Situation in the administrative field in the year 2006

During the period from January 1, 2006, to December 31, 2006, 10 applications for plant breeder's rights were received.

Plant Breeder's Rights for 61 varieties were granted (Slovakia: 36, Czech Republic: 11, Netherlands: 2, Germany: 3, France: 5, United States of America: 4) and 4 titles have ceased to be in force in 2006. As of December 31, 2006, there were 406 titles in force.

4. Activities for the promotion of plant variety protection

The Variety Testing Department of the UKSUP publishes quarterly "The Bulletin of Variety Testing Department of Central Controlling and Testing Institute in Agriculture

of the Slovak Republic”. The Department also periodically publishes the descriptions of newly registered varieties in the National List and the results of the VCU tests.

All information is available at the website address: *www.uksup.sk*

ÚKSÚP organizes so-called “Open Days” at its testing stations network. Specialists of the Variety Testing Department maintain close contacts with colleagues from foreign institutions and cooperate in DUS testing.

Our experts regularly take part in the UPOV activities, participate in the Technical Committee, the Administrative and Legal Committee, the Consultative Committee, the Council and in the Technical Working Parties. They are involved in discussions by correspondence.

The experts of ÚKSÚP have participated at the Regional Seminar on Cooperation in Variety Testing in Krakow, Poland, on July 10 to 11, 2007, organized by COBORU.

RELATED FIELDS OF ACTIVITIES

Act No. 184/2006, regulating the cultivation of GM plants in agriculture, based on Commission Recommendation 2003/556/EC on guidelines for the development of national strategies and best practices to ensure the coexistence of genetically modified crops with conventional and organic farming.

Under preparation – the amendment to Act No. 184/2006.

Decree of the Ministry of Agriculture No. 69/2007, regulating the cultivation of GM plants in agriculture.

Decree of the Ministry of Agriculture No. 365/2007, regulating the variety testing of the cultivated plants.

Regulation of the Government of the Republic of Slovakia No. 50/2007, regulating the registration of the varieties of the cultivated plants.

[Annex XIV follows]

ANNEX XIV

SLOVENIA

PLANT VARIETY PROTECTION

1. Situation in the legislative field

Nothing to report.

2. Cooperation in examination

The bilateral agreement of cooperation with Croatia and Hungary has been signed.

We continue co-operation in the field of DUS examination with the Netherlands, Hungary, Czech Republic and Croatia.

3. Situation in the administrative field

From September 2006 up to September 2007: no new applications were filed and no new titles of protection were issued. Total number of titles in force is 24 (agricultural crops: 18; vegetables: 5; fruit crops: 1).

RELATED FIELDS OF ACTIVITIES

The New National List of Varieties, including the list of protected varieties, was published in August 2007.

The descriptive list of maize varieties was published in August 2007.

Four new issues of Slovenian Plant Breeder's Rights and Variety Registration Gazette have been published since September 2006.

[Annex XV follows]

ANNEX XV

SWITZERLAND

PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments to the Law and to the implementation provisions

For Switzerland to ratify the 1991 Act of the Convention, the relevant national Law has to be partly revised. The Message to Parliament on the revision of the Plant Variety Protection Law was submitted in June 2004. The Proposal was debated in the Council of States in June 2005 and adopted with minor amendments. The National Council were to discuss the matter in June 2007 and establish differences with respect to the Council of States in the areas of the farmer's privilege and cross licenses.

1.2 Case law

To our knowledge, no court decisions have been given in the past year in connection with plant variety protection.

1.3 Extension of protection to additional genera and species

There has been no extension to additional genera or species in the past year. The current list is already very comprehensive, and the new Law will extend protection to all genera and species.

2. Cooperation in examination

No changes. As no trials are conducted in Switzerland, all examination is done abroad under contract or alternatively existing examination reports are adopted.

3. Situation in the administrative field

Ongoing adaptations in the database and on Internet.

4. Situation in the technical field

Nothing to report, as no trials are conducted in Switzerland.

5. Activities for the promotion of plant variety protection

There have been no special occasions or visits by foreign delegations over the past year.

[Annex XVI follows]

ANNEX XVI

TUNISIA

1. Situation in the legislative field

A study to revise the text of the law relating to the registration of varieties, the protection of plant varieties, and the inspection and certification of seeds and seedlings, and its implementing regulations was undertaken in January 2007 and will lead to a series of recommendations for the updating of these regulations and their adaptation to international rules.

Decree No. 2000-102, fixing the composition and operational procedures of the Technical Commission on Seeds, Seedlings and Plant Varieties, as amended by Decree No. 2004-2322 of September 27, 2004, has just been amended by Decree No. 2007-403 of February 26, 2007.

2. Cooperation in examination

The competent services of the Directorate General for the Protection and Inspection of the Quality of Agricultural Products have thus far not concluded any examination agreements, but requests for UPOV-type DUS reports have, however, been made to the Community Plant Variety Office, with which a bilateral agreement is envisaged.

3. Situation in the administrative field

The service has not recorded any changes in the administrative structure and in terms of procedures and systems, by contrast, the volume of activities relating to protection of plant varieties up to July 31, 2007 is as follows:

- Total number of protection applications: 77 applications
- Total number of breeder's certificates issued: 32 certificates

4. Situation in the technical field (see 3)

5. Activities for the promotion of plant variety protection

5.1 Meetings and seminars

During 2007, three seminars have taken place on the protection of plant varieties:

- The first concerned the promotion of plant varieties by the Tunisian National Institute of Agronomical Research (INRAT), organized by the Ministry of Agriculture and Hydraulic Resources.
- The second concerned the different approaches to protection of plant varieties (plant breeder's certificate/patent) and the benefits resulting for the breeder and for reinvestment in plant breeding. This seminar was organized by the Ministry of Higher Education and Scientific Research in collaboration with the Ministry of Agriculture and Hydraulic Resources.

- The third was organized by the Tunisian Biotechnology Association and related to international patents in the field of biology.

5.2 Technical assistance

As part of the twinning project with France, examination and training activities have been conducted with the Variety and Seed Study and Inspection Group (GEVES).

Visits have been made, each of one week's duration, by three French DUS examiners (field pea, tomato, peach tree) in order to organize training sessions for Tunisian engineers. In return, the engineers had training courses at GEVES in France, the subject matter of which related to the DUS examination of vegetable species and field vegetable species, as well as the use of the GAIA software, in the study of distinctness of self-pollinated species.

In addition, two service engineers responsible for the protection of plant varieties participated in two training courses, one in the Netherlands relating to the protection of plant varieties in accordance with the 1991 Act of the UPOV Convention, and the other in the United States of America relating to the management of phytogenetic resources and the use of molecular biology techniques in the identification and characterization of plant varieties.

RELATED FIELDS OF ACTIVITIES OF INTEREST TO UPOV

- In 2006, the service responsible for the protection and registration of plant varieties received about 100 new requests for registration of varieties and entered 92 varieties in the Official Catalogue of Plant Varieties.
- As regards the regulation of genetic engineering, a draft law on the use of GMOs was prepared and submitted for comments and opinions to the different departments concerned.
- As part of the application of the recommendations of the Convention relating to genetic resources (Convention on Biological Diversity - CBD), a status study has been undertaken.

[Annex XVII follows]

ANNEX XVII

VIET NAM

1. Situation in the legislative field

- The Intellectual Property Law of Viet Nam contains a Part IV on “Rights for the Plant Varieties”.
- Decree No.104/2006/ND-CP of September 22, 2006 contains detailed regulations to implement some Articles in the Intellectual Property Law, chapters on plant variety rights.
- Decree No. 57/2005/ND-CP revising some Articles concerns administrative fines on rights for the plant variety field.
- The Ministry of Finance is drafting a circular on fees in plant variety field including fees of new plant variety protection (to replace No. 92/2002/TT/BCT Circular).
- Decision No. 56/2007/QĐ-BNN of June 12, 2007 on adding 12 species to the List of protected species of Viet Nam, the total protected species of Viet Nam are 27. They include:
 1. Group of food crops: Rice (*Oryza Sativa* L.); Maize (*Zea mays* L.)
 2. Group of short industrial plants: Soybean (*Glycine max* (L.) Merrill); Groundnut (*Arachis hypogea*); Cotton (*Gossypium hirsutum* L. và *Gossypium barbadense* L.); Sugar can (*Saccharum* L.)
 3. Vegetable group: Tomato (*Lycopersicon esculentum* Mill); Potato (*Solanum tuberosum* (L)); Water melon (*Citrullus lanatus* (thunb) Matsum et Nakai); Cucumber (*Cucumis sativus* L.); Kohlrabi (*Brassica aleracea* L.); Cabbage (*Brasica oleracea* L.); Sweet pepper, Hot pepper, Paprika, Chilli (*Capsicum annum* L.); Pumpkin (*Cucurbita maxima* Duch); Carrot (*Daucus carota* L.); Strawberry (*Fragaria* L.)
 4. Group of ornamental plant and flower: Rose (*Rosa* L.); Chrysanthemum (*Chrysanthemum spec.*); Gebera (*Gerbera cass*); Gladiolus (*Gladiolus* L.); Lyli (*Lilium* L.); Carnation (*Dianthus* L.)
 5. Fruit group: Grape (*Vitis* L.); Oranges (*Citrus* L.) (Rutaceae); Mango (*Mangifera indica* L.)
 6. Group of long industrial crop and perennial plant: Tea (*Cammellia sinensis*)
 7. Other plant group: Ginger (*Zingiber officinale* Rosc.)
- The website of PVPO has been developed (in both Viet Nameese and English language versions). This Website will manage database, exchange information and receive the application form by internet in the future.
- Currently, Viet Nam accepts three ways to examine DUS, so in the future, the use of DUS test results supported by breeders will be increased to reduce the length of time from receiving the application form to granting certificates.

2. Technical field

- Viet Nam has a network of DUS test agencies system, however for many reasons this system runs with low effect. The DUS test agencies system will strengthen its capacity in the future to fulfill the tasks.
- Viet Nam's new plant variety protection office submitted to the Ministry of Agriculture and Rural Development a plan for creating DUS test guideline of new species to enter the List of protected species to conform with Viet Nam condition and with the UPOV Test Guideline.

3. Supportive activities for plant variety protection

- After joining UPOV, the Department of Crop Production, Plant Variety Protection Office of Viet Nam, organized meetings and workshops to raise awareness and promote the plant variety protection system to institutes, businesses and companies. Recently, with the support of some international organizations, the Department has held some special workshops connected to plant variety protection.
- Training: in 2006-2007, three staff took part in the training courses on PVP in Holland, the Republic of Korea and conferences in the Asian region as well as in Geneva.
- PVPO has promoted the work of plant variety protection of Viet Nam to stakeholders by building up the website, publishing leaflets, gathering legal documents, technical text to deliver to the stakeholders.

4. Results

2006 and early half of 2007:

- Total number of applications: 36
- Numbers of lawful applications published: 35
- Numbers of granted varieties: 5
- Rice: 2
- Maize: 3
- Other crops:

5. Work to do in 2007-2008

- Create and propose to MARD test guidelines for species for which there is no official DUS Test Guideline.
- Continue to add new crops to the list of protected species (expect: 10 species in 2008) and assign some bodies to take on DUS testing for these species.
- Complete the revision of articles in Decree No 57 concerning punishment of administrative break in PVP.
- Complete the building-up of Circular of Ministry of Finance on the fee of PVP.

- Receive applications, assess and test the candidate varieties.
- Organize three workshops to raise awareness of the legal documents, guideline on PVP to stakeholders in the North, the Central, and the South.
- Take part in the regional and international workshops of UPOV.
- Update the website on PVP of Viet Nam, exchange information with UPOV and member countries.
- Introduce staff to experienced nations to study PVP.

[Annex XVIII follows]

ANNEX XVIII

SERBIA

(September 2006 – September 2007)

PLANT VARIETY PROTECTION

1. Situation in the legislative field

A new draft of Plant Variety Protection Law conforming with the 1991 Act of the UPOV Convention has been prepared by the Ministry of Agriculture, Forestry and Water Management - Plant Variety Registration and Protection Department. The draft of the PVP Law will be sent to the Parliament of the Republic of Serbia after confirmation by UPOV Office.

2. Cooperation in examination

Nothing to report.

3. Situation in the administrative field

The Plant Variety Registration and Protection Department, as a part of Ministry of Agriculture, Forestry and Water Management, is responsible for the registration and protection of plant varieties in the Republic of Serbia.

4. Situation in the technical field

Nothing to report.

5. Activities for the promotion of plant variety protection

Representatives of the Plant Variety Registration and Protection Department participated at the fifty-fifth session of the Administrative and Legal Committee and the twenty-fourth extraordinary session of the Council of UPOV, held in Geneva on March 29 and 30, 2007. On this occasion, representatives of the Plant Variety Registration and Protection Department had meetings with Mr. Rolf Jördens and Mrs. Yolanda Huerta from UPOV Office and informed them about the situation regarding the protection of plant varieties in the Republic of Serbia.

In May 2007, representatives of the Plant Variety Registration and Protection Department took part in a seminar on plant variety protection, organized by the CPVO, GEVES, GNIS and YUSEA. The seminar was organized to develop the plant variety protection system in the Republic of Serbia and to raise public awareness about the importance of plant variety protection system.

The Plant Variety Registration and Protection Department also prepared a TAIEX expert mission (IND/EXP 24340, 10-14/09/2007) which will be held in Belgrade, from September 10 to 14, 2007. During this mission, both theoretical and practical questions related to DUS testing will be discussed with TAIEX experts from Plant Variety Rights

Office and Seeds Division - DEFRA, UK, as well as practical implementation of DUST software.

RELATED FIELDS OF ACTIVITIES

The Catalogue of Varieties (Register of Plant Varieties) is available on the website of the Ministry of Agriculture, Forestry and Water Management of the Republic of Serbia (www.minpolj.sr.gov.yu) and on the website of the Plant Variety Registration and Protection Department (www.sorte.minpolj.sr.gov.yu), also as information regarding the procedures for registration of plant varieties, results of variety testing, forms and other regulations. The Catalogue of Varieties on the website is constantly updated.

[End of Annex XVIII and of document]