



C/46/12 Add.

ORIGINAL: English/español

DATE: May 8, 2013

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

COUNCIL

**Forty-Sixth Ordinary Session
Geneva, November 1, 2012**

ADDENDUM TO DOCUMENT C/46/12

REPORTS BY REPRESENTATIVES OF MEMBERS AND OBSERVERS
ON THE LEGISLATIVE, ADMINISTRATIVE AND TECHNICAL FIELDS

Document prepared by the Office of the Union

The following reports were received after the deadline of September 14, 2012 (in the alphabetical order of the names in French):

Members: Annexes I and II: Colombia and Viet Nam.

[Annexes follow]

ANNEX I

COLOMBIA

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

Various objectives in terms of plant breeders' rights were achieved within the legislative framework during 2011 and in the course of 2012.

The first measure which should be highlighted is the participation of the Colombian Agricultural Institute (ICA), in its role as competent national authority, in the preparation of a draft law on and in arguing the case for Colombia's accession to the 1991 Act of the UPOV Convention. Consequently, in April 2012, Law No. 1518 approving the International Convention for the Protection of New Varieties of Plants of December 2, 1961, revised in Geneva on November 10, 1972, October 23, 1978 and March 19, 1991, was issued and enacted. The law approving the respective international treaty is currently being revised by our Constitutional Court, given that, as a part of the process of approval and incorporation of international treaties in Colombia, the Constitutional Court is automatically obliged to carry out a revision.

In addition to Colombia's accession to the 1991 Act of the UPOV Convention, developments at the legislative level include the issuing of Law No. 1564, of July 12, 2012, "Issuing the General Procedural Code and setting out other provisions", a piece of legislation under which jurisdictional powers were assigned to the administrative authorities competent in terms of intellectual property, with the Colombian Agricultural Institute (ICA) being one of those authorities. Thus, ICA may now act as judge in cases involving issues relating to the enforcement and infringement of plant breeders' rights. The various aspects necessary for the appropriate implementation of these jurisdictional powers are currently being examined.

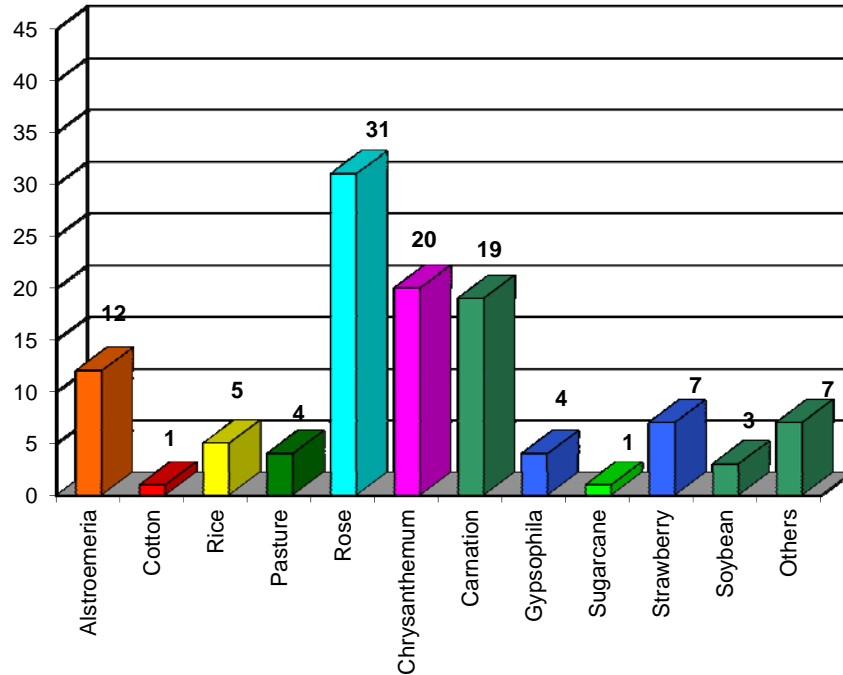
2. Cooperation in examination

During 2011, Colombia continued to receive support from the competent authority of the Netherlands, the Community Plant Variety Office (CPVO) of the European Union (EU), the United Kingdom, Poland and Israel with regard to the sending of the results and/or preparation of tests of distinctness, uniformity and stability (DUS) for various ornamental species. Furthermore, results of the technical examinations were sent to Brazil, Ecuador and Panama.

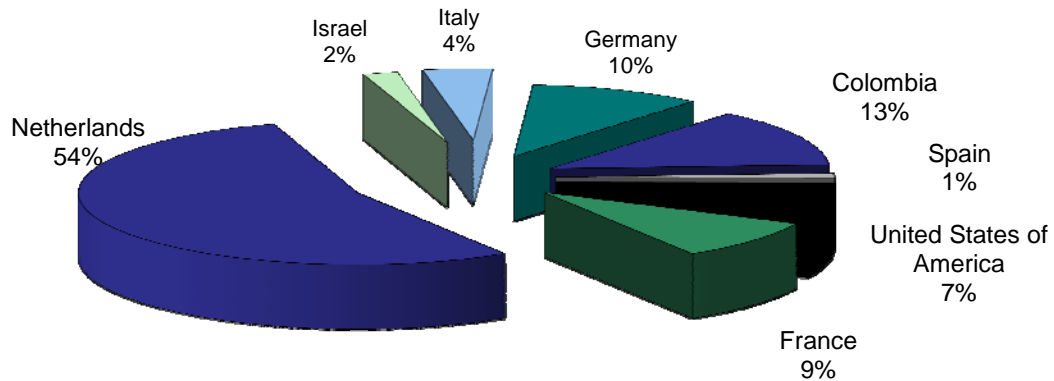
3. Situation in the administrative field

As can be seen from the relevant graphics, in 2011, 114 applications from various countries, in particular the Netherlands, Colombia, Israel, Germany and the United States of America, among others, were received, examined and processed. Applications were received for a number of species, including Rose, Chrysanthemum, Carnation, Alstroemeria and Rice. In all, 17 DUS tests were carried out on Rice and 101 plant breeder's certificates were issued. The Protected Plant Varieties Gazette was compiled.

**APPLICATIONS RECEIVED BY SPECIES
YEAR 2011 (114)**



**CERTIFICATES DELIVERED BY COUNTRY
YEAR 2011 (101)**



Equally, in the administrative field, ICA acted as the competent national authority concerning breeder's rights and as a technical expert, appointed to identify protected plant varieties in the case of several legal proceedings concerning the infringement of breeders' rights. Thus, ICA, in its role as technical expert, provided legal support, including various services and reports concerning infringements of breeder's rights.

4. Activities for the promotion of Plant Variety Protection

In September 2011, ICA and the International Union for the Protection of New Varieties of Plants (UPOV) held an international seminar on “Intellectual Property in Plant Varieties and its Enforcement”. Speakers included the Vice Secretary-General of UPOV and its Director, the Intellectual Property Coordinator of the National Seeds Institute (INASE) of Argentina, the intellectual property advisor of the Brazilian Agricultural Research Corporation (EMBRAPA), the Secretary General of the International Community of Breeders of Asexually Reproduced Ornamental and Fruit Varieties (CIOFORA), the Colombian Deputy-Minister for Justice, a researcher working on plant breeding at the Colombian Agricultural Research Corporation (CORPOICA), a private sector lawyer specializing in intellectual property and the Technical Director for Seeds of the Colombian Agricultural Institute (ICA). The members of the Inter-sectoral Committee on Intellectual Property (CIFI), judges and district attorneys, breeders, members of the academy, producers and other actors with an interest in intellectual property in plant varieties and the UPOV Convention were also present.

Also in 2011, a seminar on intellectual property was held at the Newspaper and Periodicals Library of the National University. The event was organized for researchers from all the University’s campuses and all of the CIFI Sub-Committees took part.

Delegates took an active part in various academic fora on plant breeder’s rights organized by CIFI as a part of the Productive Transformation Program.

Support was provided to the Ministry of Trade, Industry and Tourism of Colombia (Mincomercio) concerning the Third Revision of Colombia’s Trade Policy in 2011.

The “Training Module on Plant Breeder’s Rights for Judges and Attorneys” was prepared and submitted to the Sub-Committee on the Enforcement of Intellectual Property Law.

Beneficiaries of the relevant activities carried out by ICA include plant variety breeders and farmers, who also benefitted from actions designed to foster industry, as well as to generate appropriate areas to receive a greater number of higher-quality new varieties in order to meet market demand, at both the national and international levels. The members of CIFI, judges and district attorneys, officials of the Technical Research Body (CTI), plant breeders, the academy and trade unions in general benefitted from the seminars.

[Annex II follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

This year we are drafting a new Circular on instruction and detailed some articles of the Decree on PVP.

At this time Viet Nam has some small changes on the regulation on the fees as follows:

From 2011 we applied a new Circular as:

DUS Test fees is divided into 3 types of crops

- Seasonal crops: 8,300,000 VND/Variety (about 400 USD)
- Yearly crops: 11,000,000 VND/Variety (about 525 USD)
- Perennial crops: 24,000,000 VND/Variety (about 1,150USD)

For the maintenance fee for effective of PVP Certificates: no change

1.2 Extension of protection to further genera and species

We are planning to add more species into the List of Protected species and it depends on the demand from applicant.

2. Cooperation and examination

Until now Viet Nam has 4 agreements on exchanging examination results of PVP applications with Japan, CPVO, France and the Netherlands.

Viet Nam and the United States of America have finished discussions on a Draft MOU on exchanging the examination results of PVP applications and we are waiting for a suitable time for signing.

3. Situation in the administrative field

For the administrative structure and systems: we have no changes

4. Situation in the technical field

For the technical field: we are implementing the Project on strengthening capacity of PVP system which is funded by Japan through Japan International Cooperation Agency (JICA). The project mainly focuses on the technical issues, so the capacities of our DUS Test agencies are improving step by step.

Until now, the DUS growing test in Viet Nam is conducted in three main DUS stations: two in the North and one in the south.

5. Activities for the promotion of plant variety protection

- In 2012, two seminars on PVP for improving awareness of the relevant persons were organized by the cooperation between Vietnam, Japan and the Netherlands: one seminar in Hanoi with around 80 participants and the other in Cantho (South of Vietnam) with approximately 60 participants. Participants were breeders (private and public sector) and managers in the field of agriculture in provincial level.

- According to the plan we will continue to hold a seminar in Central land at the end of this year by the cooperation with JICA project.
- Furthermore we had a seminar on PVP in provincial level. This type of seminar is normally smaller and specific for a province with around 30 participants.
- In 2012, there were 2 groups of Vietnamese technical staffs to attend training course in oversea funded from Japan: 11 persons trained in Japan in June and 11 other persons in the Republic of Korea in October.
- One training course for Indochina region on how to implement DUS Test for corn was held at the end of July in the South of Viet Nam with the finance from GNIS and GEVES (France). Participants were 12 persons from Viet Nam, Lao People's Democratic Republic and Cambodia (2 participants from each country).
- In August, a group from the Lao People's Democratic Republic visited Viet Nam for one week for a study-tour on studying IP system of Viet Nam including PVP system.
- Publications: UPOV Test Guidelines for 15 species of flowers were published in 5 books in both languages (English and Vietnamese).
- A brochure to introduce Vietnamese PVP will be published by the end of this year financed from JICA project.
- Technical assistance: the skills on how to conduct DUS test for Cucumber, Rice, Corn, Chrysanthemum, Watermelon, Pumpkin were assisted by the JICA Expert.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

This year Viet Nam continues to implement the Cooperation Program between Viet Nam and the Lao People's Democratic Republic on IP in general including PVP. In 2012 there were 2 groups of Lao Delegates that visited Viet Nam: one group of high-level officers and another group of technical officers.

Viet Nam also sent an expert to the Lao People's Democratic Republic to exchange experience on drafting legal documents and conduct of the IP system: 2 groups of Vietnamese delegates will visit the Lao People's Democratic Republic in October and November (proposed).

[End of Annex II and of document]