



C/49/19

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**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**

Geneva

**COUNCIL****Forty-Ninth Ordinary Session  
Geneva, October 29, 2015**

## REPORT

*adopted by the Council*Opening of the session

- \*1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its forty-ninth ordinary session in Geneva on October 29, 2015, chaired by Ms. Kitisri Sukhapinda (United States of America), President of the Council.
- \*2. The list of participants is reproduced in Annex I to this report.
- \*3. The session was opened by the President who welcomed the participants.
- \*4. The Council took the decisions recorded below under each relevant agenda item.
- \*5. The President reported that Montenegro had deposited its instrument of accession to the 1991 Act of the UPOV Convention on August 24, 2015, and had become the seventy-third member of the Union on September 24, 2015.
- \*6. The President reported that the United Republic of Tanzania had deposited its instrument of accession to the 1991 Act of the UPOV Convention on October 22, 2015, and would become the seventy-fourth member of the Union on November 22, 2015.
- \*7. The President reported that Canada, which had been a member of the Union since March 4, 1991, had deposited its instrument of ratification of the 1991 Act of the UPOV Convention on June 19, 2015, and had become bound by the 1991 Act on July 19, 2015.
8. The Council noted the intervention made by the Delegation of Montenegro, a copy of which is reproduced in Annex III to this report.
9. The Council noted the intervention made by the Delegation of the United Republic of Tanzania, a copy of which is reproduced in Annex IV to this report.
10. The Council noted the intervention made by the Delegation of Canada, a copy of which is reproduced in Annex V to this report.
- \*11. The Secretary-General reported on staff developments in the Office of the Union.

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\* An asterisk next to the paragraph number indicates that the text is reproduced from the Report on the Decisions (document C/49/18).

\*12. The draft detailed report on the session will be submitted to the Council for adoption by correspondence.

Adoption of the agenda

\*13. The Council adopted the revised draft agenda, as presented in document C/49/1 Rev.

Examination of the conformity of the "Act of Plant Varieties Registration, Control and Certification of Seeds and Plant Materials of 2003" of the Islamic Republic of Iran with the 1991 Act of the UPOV Convention

\*14. The Council considered document C(Extr.)/32/8.

\*15. The Council decided to:

(a) take note of the analysis in document C(Extr.)/32/8;

(b) recommend that the Islamic Republic of Iran incorporate the additional provisions and amendments in the "Act of Plant Varieties Registration, Control And Certification of Seeds And Plant Materials of 2003", as provided in document C(Extr.)/32/8, and recommend that once the additional provisions and amendments have been incorporated in the Law, the amended Law should be submitted to the Council for examination in conformity with Article 34(3) of the 1991 Act;

(c) request the Office of the Union to offer its assistance, at the earliest opportunity, to the Government of the Islamic Republic of Iran in drafting the necessary additional provisions and amendments to the Law; and

(d) authorize the Secretary-General to inform the Government of the Islamic Republic of Iran of that decision.

16. The Delegation of the Islamic Republic of Iran expressed its gratitude to the Council for the examination of the conformity of the Iranian Act of Plant Varieties Registration, Control and Certification of Seeds and Plant Materials of 2003 with the 1991 Act of the UPOV Convention. The Delegation explained that the purpose of the 2003 Act was to safeguard national interest, certify seeds and protect breeders' rights. The Delegation clarified that, to fulfill that purpose, the Ministry of Agriculture had established the Seeds and Plants Material Registration and Certification Research Institute, which was authorized to represent the Islamic Republic of Iran in the sessions of the UPOV Council. The Delegation indicated that the process for the accession to the 1991 Act of the UPOV Convention had been launched, and that the recommendations and comments provided in document C(Extr.)/32/8 and in the decision of the Council would be considered in relation to the appropriate actions to be taken.

\*17. The Council noted the intervention made by the Delegation of the Islamic Republic of Iran.

Report by the President on the work of the ninetieth session of the Consultative Committee; adoption of recommendations, if any, prepared by that Committee

\*18. The Council noted the intervention made by the Association for Plant Breeding for the Benefit of Society (APBREBES).

\*19. The Council noted the work of the Consultative Committee at its ninetieth session, as reported in document C/49/16.

Adoption of documents

\*20. The Council considered document C/49/14.

*TGP/5: Experience and Cooperation in DUS Testing (Revision)*

\*21. On the basis of the amendments proposed in document C/49/14, Annex I, the Council adopted a revision of document TGP/5 “Experience and Cooperation in DUS Testing”, Section 3 “Technical Questionnaire to be Completed in Connection with an Application for Plant Breeders’ Rights, Section 8 “Cooperation in Examination” and Section 9 “List of Species in Which Practical Knowledge has Been Acquired or for Which National Test Guidelines Have Been Established”.

*TGP/9: Examining Distinctness (Revision)*

\*22. The Council adopted a revision of document TGP/9/1 “Examining Distinctness” (document TGP/9/2), on the basis of document TGP/9/2 Draft 1.

*TGP/14: Glossary of Terms Used in UPOV Documents (Revision of Section 2.4)*

\*23. The Council adopted a revision of document TGP/14/2 “Glossary of Terms Used in UPOV Documents”, Section 2.4 “Apex/tip shape characteristics”, on the basis of the amendments proposed in document C/49/14, Annex II.

*TGP/0/8: List of TGP documents and latest issue dates (Revision)*

\*24. The Council adopted a revision of document TGP/0/7 “List of TGP documents and latest issue dates” (document TGP/0/8), on the basis of document TGP/0/8 Draft 1.

*UPOV/EXN/CAN: Explanatory Notes on Cancellation of the Breeder's Right under the UPOV Convention (Revision)*

\*25. The Council adopted a revision of document UPOV/EXN/CAN/1 “Explanatory Notes on Cancellation of the Breeder's Right under the UPOV Convention” (document UPOV/EXN/CAN/2), on the basis of document UPOV/EXN/CAN/2 Draft 4.

*UPOV/EXN/NUL: Explanatory Notes on the Nullity of the Breeder's Right under the UPOV Convention (Revision)*

\*26. The Council adopted a revision of document UPOV/EXN/NUL/1 “Explanatory Notes on the Nullity of the Breeder's Right under the UPOV Convention” (document UPOV/EXN/NUL/2), on the basis of document UPOV/EXN/NUL/2 Draft 4.

*UPOV/EXN/PRP: Explanatory Notes on Provisional Protection under the UPOV Convention (Revision)*

\*27. The Council noted the request by the Delegation of the Russian Federation to discuss a possible future revision of the “Explanatory Notes on Provisional Protection under the UPOV Convention” at the seventy-third session of the Administrative and Legal Committee.

\*28. The Council adopted a revision of document UPOV/EXN/PRP/1 “Explanatory Notes on Provisional Protection under the UPOV Convention” (document UPOV/EXN/PRP/2), on the basis of document UPOV/EXN/PRP/2 Draft 4.

*UPOV/INF/6: Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention (Revision)*

\*29. The Council adopted a revision of document UPOV/INF/6 “Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention” (document UPOV/INF/6/4), on the basis of the proposed amendments to document UPOV/INF/6/3, as presented in document C/49/14, Annex IV.

*UPOV/INF/12: Explanatory Notes on Variety Denominations under the UPOV Convention (Revision)*

\*30. The Council adopted a revision of document UPOV/INF/12/4 "Explanatory Notes on Variety Denominations under the UPOV Convention" (document UPOV/INF/12/5), on the basis of the amendments proposed in document C/49/14, Annex III.

*UPOV/INF/16: Exchangeable Software (Revision)*

\*31. The Council adopted a revision of document UPOV/INF/16/4 "Exchangeable Software" (document UPOV/INF/16/5), on the basis of document UPOV/INF/16/5 Draft 1.

*UPOV/INF/22: Software and Equipment Used by Members of the Union (Revision)*

\*32. The Council adopted a revision of document UPOV/INF/22/1 "Software and equipment used by members of the Union" (document UPOV/INF/22/2), on the basis of document UPOV/INF/22/2 Draft 1.

*UPOV/INF-EXN: List of UPOV/INF-EXN Documents and Latest Issue Dates (Revision)*

\*33. The Council adopted a revision of document UPOV/INF-EXN/7 "List of INF-EXN Documents and Latest Issue Dates" (document UPOV/INF-EXN/8) on the basis of document UPOV/INF-EXN/8 Draft 1.

Examination and approval of the Draft Program and Budget of the Union for the 2016-2017 Biennium

\*34. The Council considered document C/49/4.

\*35. The Council approved the:

(a) proposals contained in the Draft Program and Budget for the 2016-2017 Biennium, as presented in the Annex to document C/49/4, including the amount of contributions from members of the Union;

(b) proposed maximum ceiling of expenditure in the regular budget; and

(c) total number of posts for the Office of the Union.

Financial Statements for 2014

\*36. The Council considered document C/49/12.

\*37. The Council approved the Financial Statements for 2014.

Report of the External Auditor

\*38. The Council considered document C/49/13, in conjunction with a presentation made by Mr. Didier Monnot, *Responsable de mandats, Contrôle fédéral des finances* (Switzerland), of the Report of the External Auditor.

\*39. The Council expressed its gratitude to the Government of Switzerland for acting as External Auditor.

Arrears in contributions as of September 30, 2015

\*40. The Council considered document C/49/11.

\*41. The Council noted the intervention made by the Delegation of Belarus.

\*42. The Council noted the status of payment of contributions as of September 30, 2015, and noted that due to recent payments, Belarus had no arrears.

Annual report of the Secretary-General for 2014; Report on activities during the first nine months of 2015

\*43. The Council considered documents C/49/2 and C/49/3.

44. The Delegation of the African Intellectual Property Organization (OAPI) confirmed that both reports reflected all the activities that had been carried out by UPOV in relation to OAPI. It expressed its appreciation for the value, and emphasized the relevance, of the programs and the dynamism with which they had been undertaken. It noted that OAPI had benefited from a number of partners led by UPOV in various processes. The Delegation stressed the fact that the 17 OAPI member States were benefitting from UPOV programs, including the UPOV Train-the-Trainer program.

\*45. The Council noted the intervention made by the Delegation of the African Intellectual Property Organization (OAPI).

\*46. The Council noted the report of the Secretary-General on the activities of the Union in 2014 and the results and performance indicators for 2014, as provided in document C/49/2.

\*47. The Council noted the report on activities during the first nine months of 2015, as provided in document C/49/3.

Progress report of the work of the Administrative and Legal Committee

\*48. The Council considered document C/49/9.

\*49. The Council noted the work of the Administrative and Legal Committee (CAJ), as reported in document C/49/9 and in the oral report made by the Chair of the CAJ (see document CAJ/72/9 "Report on the Conclusions").

\*50. The Chair of the CAJ noted the request by the Delegation of the Russian Federation to discuss a possible future revision of the "Explanatory Notes on Provisional Protection under the UPOV Convention" at the seventy-third session of the CAJ.

\*51. The Council approved the work program for the seventy-third session of the CAJ, as presented in the oral report of the Chair of the CAJ (see also document CAJ/72/9 "Report on the Conclusions").

Progress report of the work of the Technical Committee, the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular

\*52. The Council considered document C/49/10.

\*53. The Council noted the work of the Technical Committee (TC) and of the Technical Working Parties (TWPs) and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT), as reported to the TC in document C/49/10.

\*54. The Council approved the work of the TC and the work programs of the TWPs and BMT, as set out in document C/49/10.

Calendar of meetings in 2016

\*55. The Council received a report of the recommendations of the Consultative Committee concerning the calendar of meetings in 2016 (see document C/49/16 "Report by the President on the work of the ninetieth session of the Consultative Committee; adoption of recommendations, if any, prepared by that Committee", paragraphs 64 to 66), in which it was reported that the CAJ:

(a) proposed not to hold a CAJ session in March 2016 and to hold a two-day CAJ session in October 2016;

(b) agreed to expand the mandate and the composition of the Working Group for the Development of a UPOV Denomination Similarity Search Tool to prepare recommendations for the CAJ concerning the revision of document UPOV/INF/12 "Explanatory Notes on Variety Denominations under the UPOV

Convention" (to become the Working Group on Variety Denominations (WG-DEN)) and proposed that the WG-DEN meet during the week of the UPOV sessions in March 2016;

(c) agreed to propose to the Council to organize a one-day seminar on propagating and harvested material, to be held in conjunction with the UPOV sessions in October 2016. The seminar should include speakers to report on cases in which the notions of harvested material and/or propagating material had been considered, and speakers from relevant academic institutions and judicial authorities to provide perspectives on the subject. CAJ members and observers would be invited to propose speakers. The Office of the Union, Chair of the CAJ and President of the Council would prepare a draft program for consideration by the Consultative Committee and approval by the Council in March 2016.

\*56. The Council approved the calendar of meetings in 2016, as set out in document C/49/8, with the following changes:

Council

C(Extr.)/33	March <del>18</del> 17 (afternoon) (extraordinary session)
C/50	October <del>27</del> 28

Consultative Committee

CC/91	March <del>18</del> 17 (morning)
CC/92	October <del>26</del> 27

Administrative and Legal Committee

CAJ/73	March 17
(EAF/7:	March 16 (evening))
(WG-DEN:	March 18
CAJ/ <del>74</del> 73	October <del>24</del> 25 and <del>25</del> 26

Seminar on propagating and harvested material in the context of the UPOV Convention

October 24

\*57. The Council noted the tentative dates of meetings in 2017.

Election of the new President and the new Vice-President of the Council

\*58. The Council elected, in each case for a term of three years ending with the fifty-second ordinary session of the Council, in 2018:

- (a) Mr. Luis Salaiques Sánchez (Spain), President of the Council;
- (b) Mr. Raimundo Lavignolle (Argentina), Vice-President of the Council.

\*59. The Council expressed its appreciation to the outgoing President, Ms. Kitisri Sukhapinda (United States of America), for the work carried out during her term.

Situation in the legislative, administrative and technical fields

*Reports by representatives of members and observers*

\*60. The Council considered document C/49/15.

61. The Secretary of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) expressed his view that both the UPOV Convention and the ITPGRFA were major building blocks of the multilateral policy and regulatory framework for plant genetic resources for food and agriculture.

He noted that it was an excellent emerging practice that the governing bodies of UPOV and the ITPGRFA kept each other informed with regard to their individual mandates. The Secretary of the ITPGRFA welcomed the collaboration with UPOV, which had been discussed during the sixth session of the Governing Body of the ITPGRFA, and was reflected in its resolutions. These resolutions could be summarized as follows:

- firstly, the Secretary was requested to continue participating in relevant meetings of UPOV, such as the Council sessions;
- secondly, the Secretary was requested to continue engaging with UPOV and WIPO to finalize the process for identification of possible areas of interrelations between their respective instruments, and to report on the outcomes to the seventh session of the Governing Body. It was recalled that the process had started upon a request of the fifth session of the Governing Body in 2013. A number of excellent preparatory meetings had been held between the respective secretariats and excellent inputs received from contracting parties and stakeholders. That work would be taken forward in the following two years building upon the close and fruitful cooperation that had already existed between the Secretariats and with the active engagement and involvement of the memberships and the stakeholders; and
- finally, the Governing Body of the ITPGRFA had also extended the mandate of the *ad hoc* open-ended Working Group to enhance the functioning of the multilateral system of access and benefit sharing (Working Group), namely to develop a range of measures to secure increased user-based income to the benefit sharing fund in a sustainable and predictable long-term manner, and to enhance the functioning of the multilateral system of the ITPGRFA with additional measures. Building on the important progress made in the previous biennium, the Working Group had been requested to elaborate the full draft revised Standard Material Transfer Agreement (SMTA), focusing especially on the development of a subscription system in the context of the provisions of the SMTA. Through the subscription system, both increased user-based income and other measures, such as the increase of crop coverage, could be achieved. It was also requested to elaborate options for adapting the coverage of the multilateral system based on different scenarios and income projections. As in the previous biennium, the Working Group would again draw upon the important experience of a number of stakeholder groups, including the experience of plant breeders and the seed industry.

The Secretary of the ITPGRFA welcomed the report of the President of the Council on the ninetieth session of the Consultative Committee (document C/49/16). He noted the mention of the progress regarding the identification of interrelations between the UPOV Convention and the ITPGRFA, and welcomed the invitation to make a presentation at the ninety-first session of the Consultative Committee, on March 17, 2016, on possible areas of interrelations between both instruments. The Secretary of the ITPGRFA noted also that the Consultative Committee had discussed the idea of a symposium in which contracting parties would present information on their experiences in implementing the UPOV Convention and the ITPGRFA.

\*62. The Council noted the intervention made by the Secretary of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).

63. The Representative of the African Regional Intellectual Property Organization (ARIPO) referred to ARIPO's contribution in document C/49/15 "Reports by representatives of members and observers on the legislative, administrative and technical fields", and reported that the Protocol for the Protection of New Varieties of Plants had been adopted during the Diplomatic Conference held in Arusha, United Republic of Tanzania, on July 6, 2015. He thanked the Community Plant Variety Office of the European Union (CPVO) and various associations for having participated in the whole process. The Representative noted that:

- two ARIPO member States (Kenya and the United Republic of Tanzania) were members of UPOV;
- two ARIPO member States (Ghana and Zimbabwe) had initiated the procedure for acceding to the UPOV Convention;
- six ARIPO member States (Botswana, Malawi, Mozambique, Namibia, Sudan, Zambia) had been in contact with the Office of the Union for assistance in the development of laws based on the UPOV Convention.

The Representative of ARIPO explained that the notion of territory was very significant for its member States in terms of their national sovereignty and involvement in the process of granting breeders' rights at the regional level.

\*64. The Council noted the intervention made by the representative of the African Regional Intellectual Property Organization (ARIPO).

\*65. The Council noted the information provided in document C/49/15.

#### *List of the taxa protected by the members of the Union*

\*66. The Council considered document C/49/6.

\*67. The Council noted that a total of 59 members of the Union offered protection to all plant genera and species (58 in 2014), with 14 members of the Union offering protection to a limited number of plant genera and species. Of those 14, two countries (Brazil and Morocco) extended protection to additional plant genera and species in 2015.

#### *Plant variety protection statistics for the period 2010-2014*

\*68. The Council considered document C/49/7.

\*69. The Council noted that, in 2014, the number of applications in UPOV members had exceeded 15,000 for the first time. There was a 4.8 percent increase in the number of applications for plant variety protection (15,499 in 2014; 14,788 in 2013), comprising a 2.8 percent increase in the number of applications by residents (9,770 in 2014; 9,502 in 2013) and an 8.4 percent increase in the number of applications by non-residents (5,729 in 2014; 5,286 in 2013). The number of titles granted increased from 10,052 in 2013 to 11,569 in 2014 (15.1 percent increase).

#### *Cooperation in examination*

\*70. The Council considered document C/49/5.

\*71. The Council noted that, in 2015, the number of plant genera and species for which there were agreements between members of the Union for cooperation in the examination of distinctness, uniformity and stability totaled 2002, compared to 2,005 in 2014.

#### Press release

\*72. The Council considered the draft press release contained in document C/49/17.

\*73. The Council approved the draft press release, as reproduced in Annex II to this report.

74. *This report was adopted by correspondence.*

[Annexes follow]



ANNEXE I / ANNEX I / ANLAGE I / ANEXO I

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS /  
TEILNEHMERLISTE / LISTA DE PARTICIPANTES

(dans l'ordre alphabétique des noms français des membres /  
in the alphabetical order of the French names of the Members /  
in alphabetischer Reihenfolge der französischen Namen der Mitglieder /  
por orden alfabético de los nombres en francés de los miembros)

I. MEMBRES / MEMBERS / VERBANDSMITGLIEDER / MIEMBROS

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[L'annexe II suit /  
Annex II follows /  
Anlage II folgt /  
Sigue el Anexo II]



UPOV Press Release 103

Geneva, October 29, 2015

**UPOV Council Holds its Forty-Ninth Ordinary Session**

The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its forty-ninth ordinary session on October 29, 2015.

**Round-up of key developments:**

Examination of the conformity of the “Act of Plant Varieties Registration, Control and Certification of Seeds and Plant Materials of 2003” of the Islamic Republic of Iran with the 1991 Act of the UPOV Convention

The Council recommended that the Islamic Republic of Iran incorporate certain additional provisions and amendments in the “Act of Plant Varieties Registration, Control And Certification of Seeds And Plant Materials of 2003”, and recommended that once the additional provisions and amendments had been incorporated in the Law, the amended Law should be submitted to the Council for examination in conformity with Article 34(3) of the 1991 Act.

Program and Budget of the Union for the 2016-2017 Biennium

The Council approved the Program and Budget for the 2016-2017 biennium, amounting to 6,823,000 Swiss francs, representing a 0.4% increase on the 2014-2015 biennium (6,794,000 Swiss francs). This budget contains no change in the value of the contribution unit by members of the Union and no change in the total number of posts for the Office of the Union.

Plant Variety Protection Statistics

A total of 59 members of the Union now offer protection to all plant genera and species (58 in 2014), with 14 members of the Union offering protection to a limited number of plant genera and species. Of those 14, two members (Brazil and Morocco) extended protection to additional plant genera and species in 2015.

The Council noted that, in 2014, the number of applications in UPOV members had exceeded 15,000 for the first time. There was a 4.8 percent increase in the number of applications for plant variety protection (15,499 in 2014; 14,788 in 2013), comprising a 2.8 percent increase in the number of applications by residents (9,770 in 2014; 9,502 in 2013) and an 8.4 percent increase in the number of applications by non-residents (5,729 in 2014; 5,286 in 2013). The number of titles granted increased from 10,052 in 2013 to 11,569 in 2014 (15.1 percent increase).

The total of 106,081 titles in force in 2014 represented a 2.7 percent increase on figures for 2013 (103,261).

Cooperation in the Examination of New Plant Varieties

In 2015, the number of plant genera and species for which there were agreements between members of the Union for cooperation in the examination of distinctness, uniformity and stability totaled 2,002, compared to 2,005 in 2014.

Adoption of documents

The Council adopted revised versions of the following documents:

(a) TGP documents:

TGP/5	Experience and Cooperation in DUS Testing
TGP/9	Examining Distinctness
TGP/14	Glossary of Terms Used in UPOV Documents

(b) Explanatory notes:

UPOV/EXN/CAN	Explanatory Notes on Cancellation of the Breeder's Right under the UPOV Convention
UPOV/EXN/NUL	Explanatory Notes on the Nullity of the Breeder's Right under the UPOV Convention
UPOV/EXN/PRP	Explanatory Notes on Provisional Protection under the UPOV Convention

(c) Information documents:

UPOV/INF/6	Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention
UPOV/INF/12	Explanatory Notes on Variety Denominations under the UPOV Convention
UPOV/INF/16	Exchangeable Software
UPOV/INF/22	Software and Equipment Used by Members of the Union

All adopted documents will be published in the UPOV Collection (see [http://www.upov.int/upov\\_collection/en/](http://www.upov.int/upov_collection/en/)).

#### Election of President and Vice-President of the UPOV Council

The Council elected, in each case for a term of three years ending with the fifty-second ordinary session of the Council, in 2018:

- (a) Mr. Luis Salaces Sánchez (Spain), President of the Council;
- (b) Mr. Raimundo Lavignolle (Argentina), Vice-President of the Council.

The Secretary-General of UPOV, Mr. Francis Gurry awarded Ms. Kitisri Sukhapinda (United States of America) a UPOV Gold Medal in recognition of the contribution made during her term as President of the Council of UPOV from November 2, 2012 to October 29, 2015.

Mr. Gurry highlighted the following developments during Ms. Sukhapinda's presidency:

- The number of UPOV members had grown from 70 to 74, with the membership of Serbia; the African Intellectual Property Organization (OAPI); Montenegro; and the United Republic of Tanzania
- The number of States covered by the UPOV Convention had increased from 73 to 93
- Ratification of the 1991 Act by Canada
- The number of PBR titles in force had exceeded 100,000 for the first time and, in 2014, the number of applications had exceeded 15,000 for the first time
- UPOV had developed a communication strategy, including the introduction of a series of important FAQs
- Building on the success of the distance learning course DL-205 "Introduction to the UPOV System of Plant Variety Protection Under the UPOV Convention", UPOV had launched an advanced distance learning course "Examination of applications for plant breeders' rights" (DL-305 )
- The Council had adopted important new guidance documents on:
  - Definition of Breeder
  - Harvested material
  - Use of biochemical and molecular techniques in the examination of DUS

#### Distance Learning Courses

Two sessions of each of the following UPOV Distance Learning Courses will be run in 2016:

- DL-205 "Introduction to the UPOV System of Plant Variety Protection under the UPOV Convention"
- DL-305 "Examination of applications for plant breeders' rights"
- DL-305A "Administration of Plant Breeders' Rights" (Part A of DL-305)
- DL-305B "DUS Examination" (Part B of DL-305)

The timetable for all courses will be the following:

Session I - 2016

Registration: January 1 to February 7  
Study period: February 15 to March 20  
Final exam: March 14 to 20

Session II – 2016

Registration: August 15 to September 18  
Study period: September 25 to October 30  
Final exam: October 24 to 30

The categories of participants are as follows:

*Category 1:*

Government officials of members of the Union endorsed by the relevant representative to the UPOV Council  
*No fee*

*Category 2:*

Officials of observer States / intergovernmental organizations endorsed by the relevant representative to the UPOV Council  
*(One non-fee paying student per State / intergovernmental organization;  
Additional students: 1,000 Swiss francs per student)*

*Category 3:*

Others  
*Fee: 1,000 Swiss francs*

More detailed information concerning course contents and on-line registration is available on the UPOV website: <http://www.upov.int/resource/en/training.html>

For further information about UPOV, please contact the UPOV Secretariat:

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[Annex III follows]

INTERVENTION BY THE DELEGATION OF MONTENEGRO

Madam President,  
Ladies and Gentlemen,

I am delighted to be able to take the floor on behalf of the Government of Montenegro on this important occasion.

Let me express our profound appreciation for the warm welcome into the International Union for the Protection of Plant Varieties (UPOV) family. Montenegro is much honored to become a part of this prestigious organization.

On August 24, 2015, Montenegro deposited its instrument of accession to the UPOV Convention (1991 Act). On September 24, Montenegro became the seventy third member of UPOV. In this regard, we would like to express our gratitude to the Secretariat of the Union for the important and valuable assistance that it has provided to us from the preparatory phase to the final moment of accession to the Convention.

The Phytosanitary Directorate, within the Ministry of Agriculture and Rural Development, is the official body of the Government of Montenegro in charge of testing and protection of new varieties. It acts within the appropriate legal and institutional framework for the grant of protection of plant breeders' rights. The process of further developing the inspection, laboratory and administrative procedures goes in parallel with our negotiations for the accession to the European Union.

We are fully aware that creation of new varieties is a complex process that requires scientific knowledge, experience and financial investments, in particular in the field of genetics and plant breeding. We firmly believe that membership in UPOV is a very important step forward for us to contribute to the development of new varieties for the benefit of society.

Membership in UPOV will have an impact on farmers, breeders, producers of seed, as well as on the country as a whole, in terms of regulating the issues of intellectual property protection for plant varieties. It will also contribute to an increase of the competitiveness of domestic products in the world market, with the use of a large number of new protected varieties, which are characterized by better production and technological properties, higher yields, more resistant to pests and diseases.

Finally, I would like to reiterate our readiness to work closely with UPOV to further strengthen the plants protection and creation of new plants varieties in order to promote sustainable farming, food production and economic development.

Thank you Madam President.

[Annex IV follows]

INTERVENTION BY THE DELEGATION OF THE UNITED REPUBLIC OF TANZANIA



DECLARATION MADE BY THE DELEGATION OF THE UNITED REPUBLIC OF TANZANIA  
ON ENTRY AS NEW MEMBERS OF INTERNATIONAL UNION FOR  
THE PROTECTION OF NEW VARIETIES OF PLANTS (UPOV)

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Statement by Ambassador Modest J. Mero, Permanent Representative of the United Republic of Tanzania  
to the United Nations, Geneva 29 October 2015

Madam President,  
Ladies and Gentlemen,

On behalf of the Government of the United Republic of Tanzania, we wish to appreciate the warm welcome extended to us as new Member of the UPOV family. We are honored to be a member of UPOV following a conclusion of the process. We appreciate the facilitation and support we received from the leadership and the Secretariat of UPOV.

On 22<sup>nd</sup> October 2015, the United Republic of Tanzania deposited its instrument of accession to the UPOV Convention (1991 Act). On entry into force, the United Republic of Tanzania will become the 74<sup>th</sup> member of UPOV.

The United Republic of Tanzania has two laws, The Plant Breeders' Rights Act, 2012 covering Mainland Tanzania and The Plant Breeders' Rights Act of 2014 for Zanzibar. The Plant Breeders' Rights Act, 2012 entered into force on the 1<sup>st</sup> of June, 2013 while the Plant Breeders' Rights Act of 2014 for Zanzibar became operational on the 2<sup>nd</sup> January, 2015. On March 22, 2013, the Council of UPOV reconfirmed its positive decision of 1<sup>st</sup> November, 2012 on the conformity of the Plant Breeders' Rights Act, 2012 with the 1991 Act of the UPOV Convention. Similarly, on 16<sup>th</sup> October, 2014, the Council of UPOV reconfirmed its positive decision of 22<sup>nd</sup> March, 2013 on the conformity of the Plant Breeders' Rights Act, 2014 for Zanzibar, with the 1991 Act of the UPOV Convention.

The two laws recognize each other in such a way that a decision on application and grant taken by an Authority responsible for administration of any of the two laws shall be deemed to be a decision taken by the other Authority.

This means that a breeder will be able to submit his application for breeder's right with only one authority within the territory of the United Republic of Tanzania. The Government of the United Republic of Tanzania and the Revolutionary Government of Zanzibar signed an agreement for cooperation and information sharing in matters related to plant breeders' rights on 14<sup>th</sup> of August, 2015.

Plant breeders' rights in the United Republic of Tanzania fall under the responsibility of the Plant Breeders' Rights Offices of the Ministry of Agriculture Food Security and Cooperatives and The Ministry of Agriculture and Natural Resources, Zanzibar, respectively. The two Offices have the appropriate legal and institutional framework for the grant of protection of plant breeders' rights. The staff received excellent training within and outside Tanzania in the field of plant breeders' rights.

United Republic of Tanzania conducts DUS testing within the country and is now prepared to cooperate with other UPOV member states. As of today, protection is available in the United Republic of Tanzania for all genera and species.

I would like to emphasize our gratitude for the assistance received by the Office of the Union in the accession procedure of the United Republic of Tanzania to the UPOV Convention.

I would like also to convey gratitude and appreciations to relevant Authorities and experts from a number of members of the Union including the United States of America, The Netherlands, Republic of Korea, Republic of South Africa and Republic of Kenya for their help and cooperation. We sincerely hope that these countries and other UPOV members will continue to cooperate with the United Republic of Tanzania in implementing UPOV based plant variety protection system.

I thank you for your kind attention.

[Annex V follows]

INTERVENTION BY THE DELEGATION OF CANADA

Thank you Madame President for the floor.

Good morning everyone.

Allow me to begin by conveying Canada's gratitude to both the UPOV Office and my fellow delegates here today. As Canada began moving forward with legislative amendments to our *Plant Breeders' Rights (PBR) Act*, we reached out to members of our UPOV family for advice and guidance. Not surprisingly, that call was always answered. Many of your thoughtful insights, suggestions, and considerations helped to shape the final version of our law.

Similarly, I would like to thank many of the observers here today. Specifically; ISF, CIOPORA, AIPH, ESA, and CropLife. Your words of support and encouragement, as we moved these legislative amendments forward, were very welcome and appreciated.

I would like to inform the Council that amendments to the *Plant Breeders' Rights (PBR) Act* which entered into force on February 27<sup>th</sup>, 2015, and were then subsequently ratified on June 19<sup>th</sup>, 2015, although very recent, are already having a positive impact on Canada's agriculture, horticulture, and ornamental sectors. For example, prior to the amendments being introduced in Parliament, Canada received approximately 80 new applications for agricultural varieties annually. As the amendments moved through the final stages of the Parliamentary process, this number almost doubled to 148, and the upward trend still continues today. Interestingly, not only have the number of varieties increased, but also the diversity of crop species seeking protection. Canada has historically always received a large volume of applications for wheat, soybean, canola, and barley. In addition to these crops, we are now receiving new applications for peas, lentils, faba beans, chickpeas, rye, triticale, mustard, and hemp. It is clear that breeders see a benefit to protecting their varieties under our newly amended *PBR Act*.

The positive trend does not end here. Not only are we witnessing increased access to new varieties, but also new investments in domestic plant breeding. Two new private cereal breeding research stations are under construction in Western Canada, and a new private/public/producer partnership has been created to support breeding for a specific class of wheat - Canadian Prairie Spring (CPS). These announcements happened shortly after ratification, and the breeding entities cite our UPOV'91 compliant legislation as a critical factor for making these new investments.

Lastly, I would like to mention how supportive Canadian farm organizations are of amending our *Plant Breeders' Rights Act* and ratifying UPOV'91. In fact, they were the key driver behind moving these legislative amendments forward. Of course this only makes sense, since they will be the direct beneficiaries of these changes. Securing access to a greater number and diversity of foreign bred varieties, and increased investment in domestic planting breeding, will ensure our farmers remain productive, sustainable, and competitive in a global marketplace.

Once again, Madame President and fellow UPOV members, I thank you for the floor.

Delivered by:  
Mr. Anthony Parker  
Commissioner, Plant Breeders' Rights Office  
Canadian Food Inspection Agency  
Government of Canada

[End of Annex V and of document]