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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

COUNCIL

**Fiftieth Ordinary Session
Geneva, October 28, 2016**

ADDENDUM

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

Document prepared by the Office of the Union

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The following reports were received after the deadline of September 2, 2016 (in the alphabetical order of the names in French):

Members: Annexes I to III: Colombia, Tunisia and Ukraine

Observer: Annex IV: African Regional Intellectual Property Organization (ARIPO)

[Annexes follow]

(Period: October 2015 - September 2016)

PROTECTION OF PLANT VARIETIES

Legislation

During the reporting period, the Colombian Agricultural and Livestock Institute (ICA) issued decisions 03328 and 3594 of 2015, thereby assuming the jurisdictional functions granted by Law No. 1564 of 2012 in respect of proceedings for the infringement of plant breeders' rights.

Administrative and Technical Developments

As shown in Figure 1, during the period between October 2015 and September 2016, 119 applications were received from different countries, analyzed and processed. The varieties that were applied for include Rose, Chrysanthemum, Cranberry, Carnation, Alstroemeria, Rice and Cilantro. Seven distinctness, uniformity and stability (DUS) tests for new varieties of rice and cotton were conducted and evaluations were performed on candidate varieties of coffee. Fifty-four breeder's certificates were issued for various nationalities, as shown in Figure 2.

The ICA served as the competent national authority for plant breeders' rights and as the technical expert designated for the identification of protected plant varieties in various judicial proceedings where infringements of breeders' rights are at issue. Thus, there was progress in the ICA's role as technical expert and expert in judicial proceedings. In this latter capacity, it shed light on various concepts and provided expertise on infringements of breeder's rights. Issue No.18 of the Protected Plant Varieties Gazette was prepared and published.

Figure 1. Applications received by species during the period from October 2015 to September 2016 inclusive

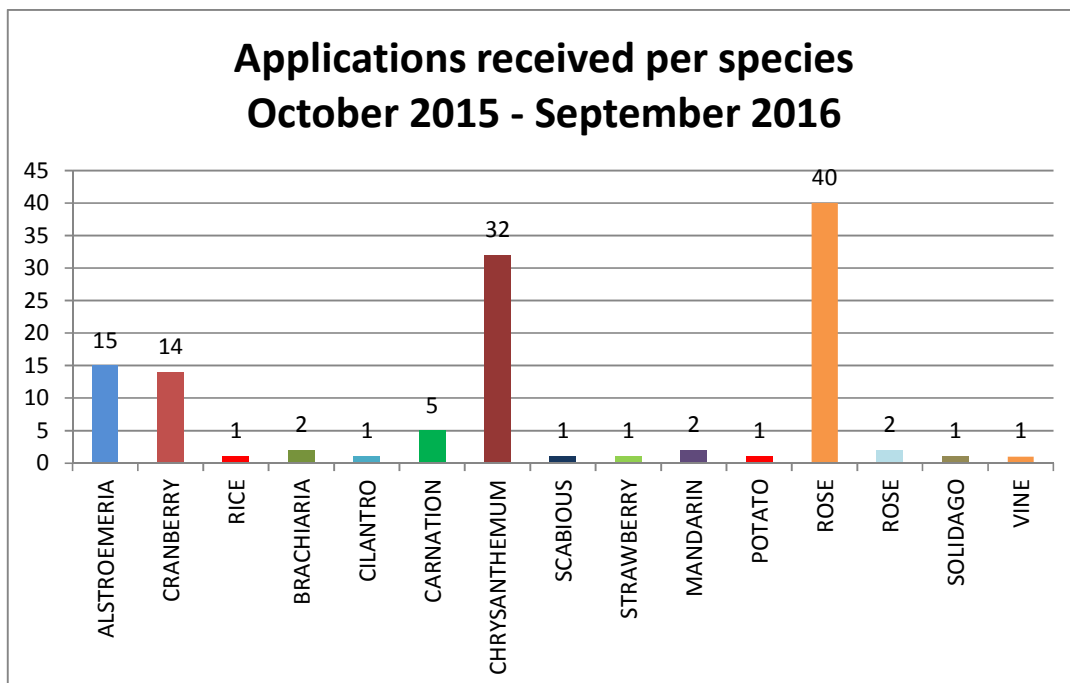
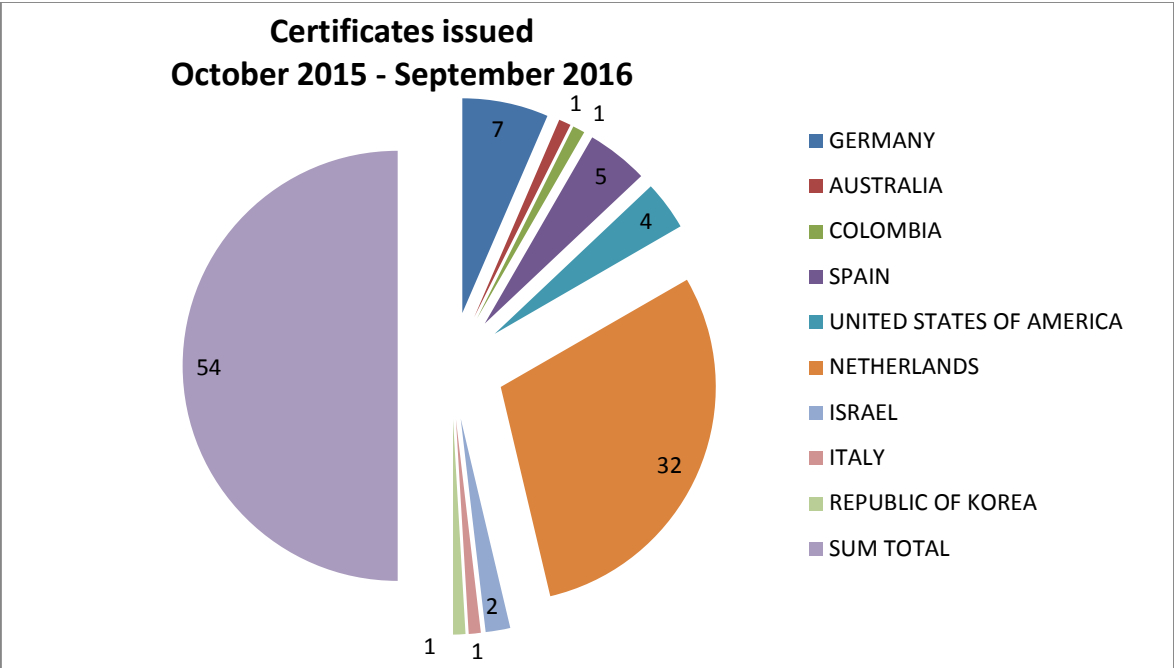


Figure 2. Certificates issued between October 2015 and September 2016



[Annex II follows]

ANNEX II

TUNISIA

I. PROTECTION OF PLANT VARIETIES

1. Legislation

1.1 Amendments to the law and implementing legislation

Nothing to report.

1.2 Extension of protection to other genera and species (done or planned)

It is planned to add five species to the list of species likely to be protected, namely blueberry (*Vaccinium myrtillus*), carob tree (*Ceratonia siliqua*), quince (*Cydonia Mil sensu stricto*), mango tree (*Mangifera indica*) and persimmon (*Diospyros kaki*)

1.3 Case law

Nothing to report.

2. Cooperation for examinations

Nothing to report.

3. Administration

There are currently no changes to the administrative structure, procedures or systems.

4. Technical developments

Nothing to report.

[Annex III follows]

ANNEX III

UKRAINE

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

In order to bring Ukrainian seed and seedling industry legislation in compliance with European and international regulations and standards the Verkhovna Rada (Supreme Council) of Ukraine has adopted the Law of Ukraine No. 864-19 Amending Certain Laws of Ukraine concerning bringing Ukrainian Seed and Seedling Regulations Applicable to the Seed and Seedling Industry in Compliance with European and International Regulations and Standards, which provided a ground to launch since June 30, 2016 the introduction of essential modifications to the Law of Ukraine on Right Protection for Plant Varieties.

The above, in particular, amends definitions of specific terms as applied in the Law, clarifies the powers of the Cabinet of Ministers of Ukraine, Supervising and Competent Authority aimed at plant variety protection, introduces new definitions to the general provisions establishing the procedure for granting plant variety rights, authorship rights on a variety, rights of employer (client), succession in title (inheritor's rights), responsibilities of the patent holder and the holder of proprietary right of intellectual property on the variety dissemination; as well as amends the procedure of conducting the qualifying examination, examination on eligibility of a variety for dissemination in Ukraine.

Drafting and concurrent review of laws and regulations, which adoption is due according to the content of the Law of Ukraine on Right Protection for Plant Varieties, is ongoing.

Points 1.2, 1.3 – no amendments apply.

2. Cooperation in examination

Ukraine has practical experience and carries out DUS-test for 64 species (List of genera and species is the same as in previous year). Ukraine used DUS-test reports from Bulgaria, Czech Republic, Spain, France, Hungary, Italy, Netherlands, Portugal, Romania, Serbia, Slovakia and Community Plant Variety Office (CPVO), provided reports to Russian Federation and Turkey.

3. Situation in the administrative field

National authority: the Ministry of Agrarian Policy and Food of Ukraine.

The authority that makes decisions on the application: the Ministry of Agrarian Policy and Food of Ukraine.

4. Situation in the technical field

In 2015, 4 National Test Guidelines developed for the following species: *Callistephus chinensis* (L.) Nees; *Arctium lappa* L.; *Salvia patens* Cav.; *Salvia verticillata* L.

5. Activities for the promotion of plant varieties protection

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)	Comments
1	2	3	4	5	6	7
1. International Applied Research Web-Conference dedicated to the 20th anniversary of Ukraine's membership in the International Union for the Protection of New Varieties of Plants (UPOV) http://conference.sops.gov.ua/index.php/main	03.11.2015	Kiev, Ukraine	Ukrainian Institute for Plant Variety Examination	Coverage of theoretical and practical issues related to world plant resource. Consideration of current issues of plant variety rights and historical aspects, the issue of selection expertise and issue of market plant varieties.	Ukraine, the Netherlands, Germany, Poland, Hungary, Belarus (83 distance participants)	Publishing the conference papers. The event is intended for researchers, lecturer, postgraduates, students of agrarian universities, agriculture experts, in particular, specialists of the plant variety rights protection and breeders.
2. Round table: State and perspective of development bilateral cooperation between Ukraine and Poland in the examination and protection of plant variety rights	08.11.2015	Lviv, Ukraine	Ukrainian Institute for Plant Variety Examination	The exchange of information and experience on examination and plant variety rights protection with participation of the expert authorities, representatives of stations of Ukraine and Poland	Ukrainian Institute for Plant Variety Examination, Research Centre for Cultivar Testing (COBORU) Poland (25 participants)	Action Plan signed between the Ukrainian institute for plant variety examination and Research Centre for Cultivar Testing (COBORU) Poland
3. Round table: Ukraine in the process of positive changes: Plant Varieties Protection	17.12.2015	Kiev, Ukraine	American Chamber of Commerce in Ukraine, Netherlands Embassy in Kiev, Ukrainian Institute for Plant Variety Examination	The exchange of information and experience on plant variety rights protection in Ukraine and the Kingdom of the Netherlands	Dutch board for plant varieties, the Anti-Infringement Bureau for Intellectual Property Rights on Plant Material, Netherlands Embassy in Kiev, American Chamber of Commerce in Ukraine, Ministry of Agrarian Policy of Ukraine, the State Service of Ukraine on Food Safety and Consumer Protection, the Ministry of Economic Development and Trade of Ukraine, Ukrainian institute for plant variety examination, representatives of seed associations of Ukraine and applicants (40 participants)	

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Publications (plant variety protection)						
Plant Varieties Studying and Protection Journal of Applied Research № 1-2 (26-27), 3-4 (28-29), 2015. http://journal.sops.gov.ua/	quarterly	Kiev, Ukraine	Ukrainian Institute for Plant Variety Examination, Plant Breeding & Genetics Institute – National Center of Seeds and Cultivar Investigation of NAAS, Institute of Plant Physiology and Genetics, National Academy of Sciences of Ukraine	publications on plant variety studying and science, genetics, breeding and seed production, plant physiology, biotechnology and biosafety, plant production, plant variety market, plant varieties protection, international cooperation, information systems and technologies, young scientist's view, history of science, anniversaries		
bulletin «Plant Varieties Protection», № 1 part 1 and 2, № 2 part 1 and 2, № 3, 4, 2015.	quarterly	Kiev, Ukraine	State Veterinary and Phytosanitary Service of Ukraine, Ukrainian Institute for Plant Variety Examination	Bulletin issued pursuant to the Law of Ukraine " Plant Varieties Protection " for the purpose of official information activity in the field of plant variety rights and implementation of Ukraine's international obligations arising from its membership in the International Union for the Protection of New Varieties of Plants (UPOV)		Spreads for breeders and owners of intellectual property rights on the distribution of varieties, PBR holders, producers of seeds and planting material, breeding and seed firms, research institutes, universities, colleges. Presents also of interest to farms of different ownership, truck farmers and gardeners
Materials of Distance International Applied Resaerch Web-Conference «World plant resources: current state and development prospects», dedicated to the 20th anniversary of Ukraine's membership in the International Union for the Protection of New Varieties of Plants (UPOV)	03.11.2015	Kiev, Ukraine	Ukrainian Institute for Plant Variety Examination	Coverage of theoretical and practical issues related to world plant resource. Consideration of current issues of plant variety rights and historical aspects, the issue of selection expertise and issue of market plant varieties.	Ukraine, the Netherlands, Germany, Poland, Hungary, Belarus (83 distance participants)	Publishing the conference papers. The event is intended for researchers, lecturer, postgraduates, students of agrarian universities, agriculture experts, in particular, specialists of the plant variety rights protection and breeders.

II. RELATED FIELDS OF ACTIVITIES OF INTEREST TO UPOV

Statistical data on plant variety protection in Ukraine during 2001-2015 is sent by email to upov.mail@upov.int along with this report.

[Annex IV follows]

ANNEX IV

AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION
(ARIPO)

PLANT VARIETY PROTECTION

1. Following the adoption of the Arusha Protocol for the Protection of Plant Varieties by the ARIPO Diplomatic Conference that was held in Arusha, United Republic of Tanzania in July 2015, the Protocol has been so far signed by five Member States and we hope that we shall soon receive Instruments of Ratification from those Members who signed and instruments of accession from other Members (We have received a number of requests for guidelines for accession).
2. A set of Regulations for the implementation of the Protocol were drafted and considered by an Expert Committee and the ARIPO Technical Committee on Plant Variety Protection. The current draft shall be proposed for adoption by the Administrative Council of ARIPO at its 40th Session scheduled to take place in Harare from December 5th to 7th, 2016.
3. A list of Agricultural Crops with Historical practice of Farm Saved Seeds has been proposed and shall be proposed for approval by the Administrative Council of ARIPO at its 40th Session.
4. The Council will also consider proposed plans for the establishment of a Regional Plant Variety Office at ARIPO.

[End of Annex IV and of document]