



C/50/19

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

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

REPORT ON THE DECISIONS

*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 fiftieth ordinary session in Geneva on October 28, 2016, chaired by Mr. Raimundo Lavignolle (Argentina), Vice-President of the Council.
2. The Council noted that Mr. Luis Salaices had retired from his post as Head of the Varieties Registry, General Sub-Department of Agricultural Production Facilities and Spanish Plant Variety Office (MPA and OEVV), Ministry of Agriculture, Food and the Environment (MAGRAMA), Spain. Mr. Luis Salaices was no longer a part of the Delegation of Spain and could not hold the position of President of the Council. Therefore, an item had been included in the agenda of the fiftieth ordinary session of the Council, for the election of a new President and a new Vice-President of the UPOV Council. The Council further noted that, as provided in the Rules of Procedure of the Council, Mr. Raimundo Lavignolle, as the Vice-President of the Council, would preside over the Council.
3. The list of participants is reproduced in Annex I to this report.
4. The session was opened by the Vice-President who welcomed the participants.
5. The Council took the decisions recorded below under each relevant agenda item.
6. The Vice-President reported that Kenya, which had been a member of the Union since May 13, 1999, had deposited its instrument of accession to the 1991 Act of the UPOV Convention on April 11, 2016, and had become bound by the 1991 Act on May 11, 2016.
7. The Council noted the intervention made by the Delegation of Kenya.
8. The draft detailed report on the session will be submitted to the Council for adoption by correspondence.

Adoption of the agenda

9. The Council adopted the revised draft agenda, as presented in document C/50/1 Rev.2.

Report by the Vice-President on the work of the ninety-second session of the Consultative Committee: adoption of recommendations, if any, prepared by that Committee

10. The Council considered document C/50/7.

11. Based on the recommendations of the Consultative Committee, the Council:

(a) agreed to retain the amount exceeding 15 percent of the total income for the 2014-2015 Biennium (i.e. 31,860 Swiss francs) in the Reserve Fund;

(b) adopted the following FAQ concerning information on the situation in UPOV with regard to the use of molecular techniques for a wider audience (“FAQ on molecular techniques”), including the public in general:

“Is it possible to obtain protection of a variety on the basis of its DNA-profile?”

“For a variety to be protected, it needs to be clearly distinguishable from all existing varieties on the basis of characteristics that are physically expressed, e.g. plant height, time of flowering, fruit color, disease resistance etc. The DNA-profile is not the basis for obtaining the protection of a variety, although this information may be used as supporting information.

“A more detailed explanation is provided in the FAQ ‘Does UPOV allow molecular techniques (DNA profiles) in the examination of Distinctness, Uniformity and Stability (‘DUS’)?’

“See also:

“What are the requirements for protecting a new plant variety?”

(c) agreed that the new UPOV logo be introduced on the UPOV website, in conjunction with the introduction of the stakeholder-focused features on the UPOV website and the launch of the UPOV YouTube Channel, on November 8, 2016; and

(d) approved the launch of the Electronic Application Form (EAF) in January 2017 for rose, soya bean, lettuce, apple fruit varieties and potato, as set out in document C/50/17, paragraphs 40 to 47.

12. The Council received a presentation on the “Evaluation of the International Union for the Protection of New Varieties of Plants (UPOV)” (Evaluation Report), by Mr. Tuncay Efendioglu, Acting Director, WIPO Internal Oversight Division (IOD) and noted that the Evaluation Report would be published on the UPOV website.

13. The Council expressed its appreciation to the WIPO IOD for the Evaluation Report.

14. The Council noted the work of the Consultative Committee at its ninety-second session, as reported in document C/50/17.

Adoption of documents

15. The Council considered documents C/50/15, TGP/7/5 Draft 1, TGP/8/3 Draft 1, TGP/0/9 Draft 1, UPOV/INF/16/6 Draft 1, UPOV/INF/22/3 Draft 1 and UPOV/INF-EXN/9 Draft 1.

TGP/7: Development of Test Guidelines (Revision)

16. The Council adopted a revision of document TGP/7 “Development of Test Guidelines” (document TGP/7/5), on the basis of document TGP/7/5 Draft 1.

TGP/8: Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability (Revision)

17. The Council adopted a revision of document TGP/8 “Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability” (document TGP/8/3), on the basis of document TGP/8/3 Draft 1.

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

18. The Council adopted a revision of document TGP/0 “List of TGP documents and latest issue dates” (document TGP/0/9), on the basis of document TGP/0/9 Draft 1.

UPOV/INF/16: Exchangeable Software (Revision)

19. The Council adopted a revision of document UPOV/INF/16 “Exchangeable Software” (document UPOV/INF/16/6), on the basis of document UPOV/INF/16/6 Draft 1.

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

20. The Council adopted a revision of document UPOV/INF/22 “Software and Equipment Used by Members of the Union” (document UPOV/INF/22/3), on the basis of document UPOV/INF/22/3 Draft 1.

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

21. The Council adopted a revision of document UPOV/INF-EXN/9 “List of INF-EXN Documents and Latest Issue Dates” (document UPOV/INF-EXN/9) on the basis of document UPOV/INF-EXN/9 Draft 2.

Financial statements for 2015

22. The Council approved the Financial Statements for 2015, as presented in document C/50/13.

Report of the External Auditor

23. The Council noted the information contained in the Report of the External Auditor, as presented in document C/50/14, in conjunction with a presentation made by Mr. Didier Monnot, *Responsable de mandats, Contrôle fédéral des finances* (Switzerland).

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

Arrears in contributions as of September 30, 2016

25. The Council considered document C/50/11.

26. The Council noted the status of payment of contributions as of September 30, 2016, and noted that due to recent payments, Belarus and the United States of America had no arrears.

27. The Council noted that the payment of the contributions of Brazil and Poland would be made in the near future.

Financial Management Report for the 2014-2015 Biennium

28. The Council approved the Financial Management Report for the 2014-2015 Biennium, as presented in document C/50/14.

Annual report of the Secretary-General for 2015; Performance report for the 2014-2015 Biennium; Report on activities during the first nine months of 2016

29. The Council considered documents C/50/2, C/50/12 and C/50/3.

30. The Council noted the report of the Secretary-General on the activities of the Union in 2015 and the results and performance indicators for 2015, as provided in document C/50/2.

31. The Council noted the performance report for the 2014-2015 Biennium, as provided in document C/50/12.

32. The Council noted the report on activities during the first nine months of 2016, as provided in document C/50/3.

Progress report of the work of the Administrative and Legal Committee

33. The Council considered document C/50/9 and received an oral report by the Chair of the CAJ on the work of the seventy-third session of the CAJ (see document CAJ/73/10 "Report on the Conclusions").

34. The Council approved the work program for the seventy-fourth session of the CAJ, as provided in document CAJ/73/10, paragraph 59.

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

35. 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 provided in document C/50/10.

36. The Council approved the work of the TC and the work programs of the TWPs and BMT reported to the TC, as provided in document C/50/10.

Calendar of meetings in 2017

37. The Council considered document C/50/8 and the recommendation made by the Consultative Committee at its ninety-second session, as reported in document C/50/17.

38. The Council approved the calendar of meetings in 2017, as set out in document C/50/8, with the following changes:

Council

C(Extr.)/34 April 7 6 (afternoon) (extraordinary session)
C/51 October 26

Consultative Committee

CC/93 April 7 6 (morning)
(Working Group on a Possible International System of Cooperation (WG-ISC/2):
April 5 (afternoon))
CC/94 October 25

Administrative and Legal Committee

CAJ/74 April 6
CAJ/7574 October 23 and 24
(Working Group on Variety Denominations (WG-DEN/3): April 7 (morning))
(Meeting on the Development of a Prototype Electronic Form (EAF/9): April 7 (afternoon))

Technical Committee

TC/53 April 3 to 5 (morning)
(Editorial Committee: (January 11 and 12), April 3 (evening), April 4 (evening))

Election of new Chairpersons

39. The Council elected, in each case for a term of three years ending with the fifty-third ordinary session of the Council, in 2019:

- (a) Mr. Raimundo Lavignolle (Argentina), President of the Council;
- (b) Mr. Marien Valstar (Netherlands), Vice-President of the Council;
- (c) Mr. Anthony Parker (Canada), Chair of the Administrative and Legal Committee;
- (d) Mr. Patrick Ngwediagi (United Republic of Tanzania), Vice-Chair of the Administrative and Legal Committee;
- (e) Mr. Kees van Ettehoven (Netherlands), Chair of the Technical Committee; and
- (f) Mr. Nik Hulse (Australia), Vice-Chair of the Technical Committee.

40. The Council expressed its appreciation to the outgoing President of the Council, Mr. Luis Salaices (Spain), and to the outgoing Chairs, Mr. Martin Ekvad (European Union), Chair of the Administrative and Legal Committee, and Mr. Alejandro Barrientos-Priego (Mexico), Chair of the Technical Committee, for the work carried out during their terms.

Situation in the legislative, administrative and technical fields

Reports by representatives of members and observers

41. The Council noted the information provided in document C/50/16.

42. The Council noted that the African Regional Intellectual Property Organization (ARIPO) would provide a report that, with any other reports received after September 2, 2016, would be included in an addendum to document C/50/16.

List of the taxa protected by the members of the Union

43. The Council considered document C/50/6.

44. The Council noted that a total of 61 members of the Union now offered protection to all plant genera and species (59 in 2015), with 13 members of the Union offering protection to a limited number of plant genera and species. Of those 13, five members (Brazil, China, Morocco, South Africa and Turkey) had extended protection to additional plant genera and species in 2015.

Plant variety protection statistics for the period 2011-2015

45. The Council considered document C/50/7.

46. The Council noted that in 2015, there was a 3.2 percent decrease in the number of applications for plant variety protection (15,017 in 2015; 15,511 in 2014), resulting from a 2.9 percent increase in the number of applications by residents (10,061 in 2015; 9,778 in 2014) and a 13.6 percent decrease in the number of applications by non-residents (4,956 in 2015; 5,733 in 2014). The number of titles granted increased from 11,566 in 2014 to 12,409 in 2015 (7.3 percent increase).

47. The total of 107,232 titles in force in 2015 represented a 0.6 percent increase on figures for 2014 (106,575).

Cooperation in examination

48. The Council considered document C/50/5.

49. 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 2,031, compared to 2,002 in 2014.

Press release

50. The Council considered the draft press release contained in document C/50/18.

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

52. This report was adopted by the Council at the close of its session on October 28, 2016.

[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)

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UPOV Press Release 106

Geneva, October 28, 2016

UPOV Council Holds its Fiftieth Ordinary Session

The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its fiftieth ordinary session on October 28, 2016.

Round-up of key developments:

UPOV Logo and Website

The Council approved the following new UPOV logo and agreed that it should be introduced on the UPOV website in conjunction with the introduction of the new stakeholder features for: Breeders; Farmers; Policy-makers; and the General Public and with the introduction of the UPOV YouTube channel.



The updated website will be launched on November 8, 2016 (see <http://www.upov.int/portal/index.html.en>).

UPOV Electronic Application Form

The Council approved the launch of the UPOV Electronic Application Form (EAF) in January 2017 for rose, soya bean, lettuce, apple fruit varieties and potato.

The EAF will enable breeders to submit data to participating UPOV members via an online form. The main benefits of the EAF are to:

- provide an online system for UPOV members that do not have their own online application system;
- allow applicants to read all questions in any of the languages of participating members;
- enable applicants to reuse existing application data for subsequent applications;
- facilitate exchange of data in a standard format (PVP-XML).

Events

On October 24, 2016, UPOV organized a “Seminar on Propagating and Harvested Material in the Context of the UPOV Convention”. The Seminar was attended by 151 participants (see http://www.upov.int/meetings/en/details.jsp?meeting_id=39124).

On October 26, 2016, UPOV and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) jointly organized a “Symposium on Possible Interrelations between the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and the International Convention for the Protection of New Varieties of Plants (UPOV Convention)” (see http://www.upov.int/meetings/en/details.jsp?meeting_id=40584).

The Symposium was opened by Mr. Francis Gurry, Secretary-General, UPOV and Mr. Kent Nnadozie, Secretary *ad interim* of the ITPGRFA.

In their closing remarks, the Co-Moderators: Mr. Muhamad Sabran, Chairperson of the Seventh Session of the Governing Body, ITPGRFA and Mr. Raimundo Lavignolle, Vice-President of the Council of UPOV concluded that:

- We have seen the objectives and benefits of both treaties: UPOV Convention, ITPGRFA;
- It is important to interpret and implement the two treaties in a mutually supportive way in the context of each Contracting Party;
- In order to succeed in these objectives, it is important for the two organizations to work together and to provide the necessary support;
- The Symposium highlights the need to involve all stakeholders in this process.

The Symposium was attended by 147 participants.

Plant Variety Protection Statistics

A total of 61 members of the Union now offer protection to all plant genera and species (59 in 2015), with 13 members of the Union offering protection to a limited number of plant genera and species. Of those 13, five members (Brazil, China, Morocco, South Africa and Turkey) extended protection to additional plant genera and species in 2015.

The Council noted that, in 2015, there was a 3.2 percent decrease in the number of applications for plant variety protection (15,017 in 2015; 15,511 in 2014), resulting from a 2.9 percent increase in the number of applications by residents (10,061 in 2015; 9,778 in 2014) and a 13.6 percent decrease in the number of applications by non-residents (4,956 in 2015; 5,733 in 2014). The number of titles granted increased from 11,566 in 2014 to 12,409 in 2015 (7.3 percent increase).

The total of 107,232 titles in force in 2015 represented a 0.6 percent increase on figures for 2014 (106,575).

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 2,031, compared to 2,002 in 2014.

Adoption of documents

The Council adopted revised versions of the following documents:

(a) TGP documents:

TGP/7	Development of Test Guidelines (Revision)
TGP/8	Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability (Revision)

(b) Information documents:

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/).

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-third ordinary session of the Council, in 2019:

- (a) Mr. Raimundo Lavignolle (Argentina), President of the Council
- (b) Mr. Marien Valstar (Netherlands), Vice-President of the Council

Election of Chair and Vice-Chair of the Administrative and Legal Committee

The Council elected, in each case for a term of three years ending with the fifty-third ordinary session of the Council, in 2019:

- (a) Mr. Anthony Parker (Canada), Chair of the Administrative and Legal Committee
- (b) Mr. Patrick Ngwediagi (United Republic of Tanzania), Vice-Chair of the Administrative and Legal Committee

Election of Chair and Vice-Chair of the Technical Committee

The Council elected, in each case for a term of three years ending with the fifty-third ordinary session of the Council, in 2019:

- (a) Mr. Kees van Ettekovén (Netherlands), Chair of the Technical Committee
- (b) Mr. Nik Hulse (Australia), Vice-Chair of the Technical Committee

UPOV is an intergovernmental organization based in Geneva, with 74 members, covering 93 States.

The purpose of UPOV is to provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society.

The members of UPOV are:

African Intellectual Property Organization (OAPI), Albania, Argentina, Australia, Austria, Azerbaijan, Belarus, Belgium, Bolivia (Plurinational State of), Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, European Union, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kenya, Kyrgyzstan, Latvia, Lithuania, México, Morocco, Montenegro, Netherlands, New Zealand, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Viet Nam.

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