

Council**C/51/15****Fifty-First Ordinary Session
Geneva, October 26, 2017****Original:** English/français/deutsch/español
Date: October 20, 2017

**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**Disclaimer: this document does not represent UPOV policies or guidance*

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 XX: South Africa, Germany, Belarus, Brazil, Colombia, Denmark, Ecuador, Georgia, Hungary, Japan, Lithuania, New Zealand, African Intellectual Property Organization, Peru, Poland, Republic of Moldova, Romania, Serbia, Switzerland and Ukraine
3. Reports received after October 6, 2017, will be included as an addendum to this document, which will be published after the Council session.

[Annexes follow]

ANNEX I

SOUTH AFRICA

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

1.1.1 The South African PBR BILL is in the Parliamentary process.

1.1.2 The annual increase of Plant Breeders' Rights Fees was published in the Government Gazette No. 40621 of 17 February 2017. New fees came into effect on 1 April 2017.

1.2 Extension of protection to further genera and species [made or planned]

1		
Kind of plant		UPOV Code
Botanical Name Botaniese Naam	Common Name Gewone naam	
<i>Agastache</i> L. (All spp.)	Agastache, Hyssop	AGAST
<i>Elegia</i> L. [All spp.]	Cape Thatching Reed	-
<i>Eriobotrya</i> Lindl. [All spp.]	Loquat	ERIOB
<i>Hylocereus</i> (A.Berger) Britton & Rose [All spp.]	Dragon fruit	HYLOC
<i>Melilotus</i> (L.) Mill. [All spp.]	Melilot, Sweet clover	MELIL

1.3 Case Law

Nothing to report

2. Cooperation in examination

Nothing to report

3. Situation in the administrative and technical field

- Applications: 308 PBR applications were received of which 42% were for Agricultural crops, 24% for Ornamental crops, 28% for Fruit crops and 6% for Vegetable crops.
- Valid Plant Breeders' Rights: As of December 2016, a total of 2894 varieties had valid plant breeder's rights in South Africa, of which 29% were for Ornamental crops, 38% for Agricultural crops, 25% for Fruit crops and 8% for Vegetable crops.

Information on Plant Breeders' Rights, including journals, legislation, etc. can be found at www.daff.gov.za

4. Activities for the promotion of plant variety protection

Nothing to report

II. RELATED AREAS

Nothing to report

[Annex II follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

Nothing to report.

2. Cooperation in examination

Nothing to report.

3. Situation in the administrative field

Nothing to report.

4. Situation in the technical field

Nothing to report.

5. Activities for the promotion of plant variety protection

Bilateral collaboration was pursued with India and Mongolia within the framework of cooperation projects for the development of the plant varieties sector. Multi-country workshops for the Balkan States were held in the former Yugoslav Republic of Macedonia. We received a delegation from China. We also received the visit from the authorities in Kosovo.

II. RELATED AREAS

Nothing to report.

[Annex III follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

Decree of the President of the Republic of Belarus № 21 dated 20.01.2017 “About changes of patent fees”

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

All genera and species are protected.

1.3 Case law

Nothing to report.

2. Cooperation in examination

- Conclusion of new agreements (completed, in progress or planned): in progress are agreements with China, Kazakhstan, Poland and Ukraine.
- Amendment of existing agreements (completed, under way or planned): No.

3. Situation in the administrative field

- Changes in the administrative structure have been notified to the UPOV Office.
- Changes in office procedures and systems: No changes.

4. Situation in the technical field: No changes5. Activities for the promotion of plant variety protection

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)	Comments
1. 80th Anniversary of State plant variety testing system in Belarus	27-28 June, 2017	Belarus, Minsk	SE “State Inspection for Testing and Protection of Plant Varieties”	Exchange of international experience in the field of VSU, DUS and Patent system	Hungary, Kazakhstan, Latvia, Moldova, Russian Federation, Ukraine	Useful and fruitful cooperation, reports from the participating countries about their systems of plant variety protection

[Annex IV follows]

ANNEX IV

BRAZIL

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

Nothing to report.

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

- By now, in 2017 the protection was extended to Bougainvillea (Comm. Ex. Juss.), Psidium rootstocks and Vanda Jones Ex. R. Br.
- Planned DUS Guidelines revisions: sugarcane, wheat
- Planned DUS Guidelines extensions: 3 more species (not defined yet)

1.3 Case law

Nothing to report.

2. Cooperation in examination

Nothing to report.

3. Situation in the administrative field

The PVP office started an upgrade of the online application system that will be fully converted to a virtual way (paperless). All the exchange of information with the applicant will be virtual.

4. Situation in the technical field

Nothing to report.

5. Activities for the promotion of plant variety protection

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)	Comments
1. Course on Harmonization of DUS Tests Evaluation on Soybean	April 10-14, 2017 (theory) April 18-19, 2017 (practice)	Brasília, Brazil	SNPC (PVP Office)	To harmonize the DUS tests of Soybean (theory (online distance course) and practice)	27 participants from different companies	
2. Course on Harmonization of DUS Tests Evaluation on Soybean	June 19-23, 2017 (theory) June 28-29, 2017 (practice)	Brasília, Brazil	SNPC (PVP Office)	To harmonize the DUS tests of Soybean (theory (online distance course) and practice)	23 participants from different companies	

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Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)	Comments
3. Course on Harmonization of DUS Tests Evaluation on Soybean	August 28-September 1, 2017 (theory) September 5-6, 2017 (practice)	Brasilia, Brazil	SNPC (PVP Office)	To harmonize the DUS tests of Soybean (theory (online distance course) and practice)	19 participants from different companies	
4. General course on IP	February 12 to April 14, 2017	Distance learning course	INPI (Patent and trademark office of Brazil) WIPO	General course of IP with a chapter of PVP	Around 2000 participants (all of them Brazilians) acting in different areas (students, lawyers, legal representatives, public employees, researchers, etc.)	SNPC (PVP Office) examiners acted as tutors in the PVP discussions
5. General course on IP	May 7 to July 7, 2017	Distance learning course	INPI (Patent and trademark office) WIPO	General course of IP with a chapter of PVP	Around 2000 participants (all of them Brazilians) acting in different areas (students, lawyers, legal representatives, public employees, researchers, etc.)	SNPC (PVP Office) examiners acted as tutors in the PVP discussions
6. General course on IP	August 1 to September 29, 2017	Distance learning course	INPI (Patent and trademark office) WIPO	General course of IP with a chapter of PVP	Around 2000 participants (all of them Brazilians) acting in different areas (students, lawyers, legal representatives, public employees, researchers, etc.)	SNPC (PVP Office) examiners acted as tutors in the PVP discussions

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

Nothing to report.

[Annex V follows]

COLOMBIA
(Period: October 2016 – August 2017)

Legislation

During the reporting period, no amendments were made to our legislation governing plant breeders' rights (PBRs). Colombia continues to implement the applicable PBR law based on Decision 345 of 1993, which complies with the 1991 UPOV Convention. In Colombia, PBRs apply to all varieties of botanical genera and species insofar as the growing, possession or use thereof are not prohibited for reasons of human, animal or plant health.

Administrative and technical aspects

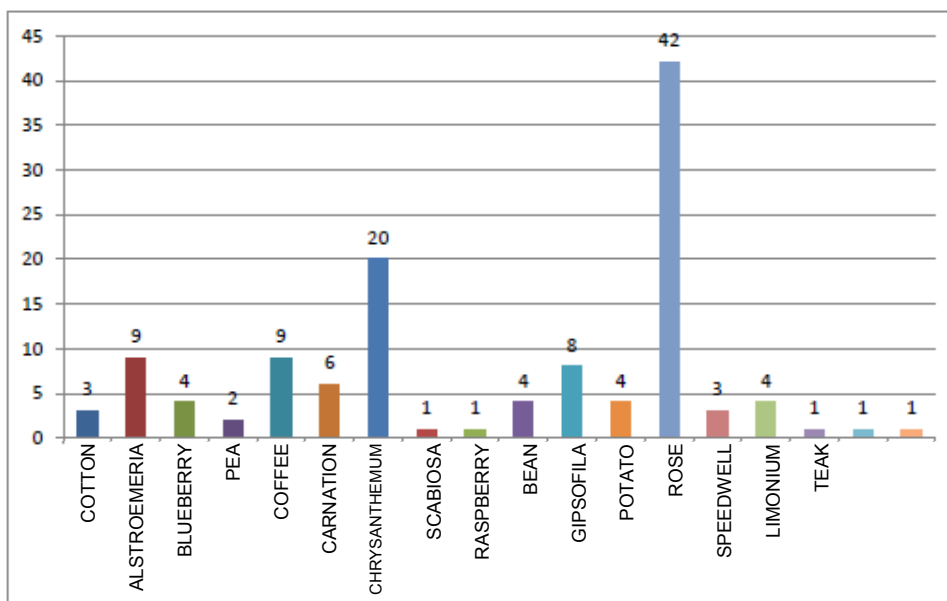
No changes have been made to the administrative structure or administrative procedures and systems of the Technical Seed Department of the Colombian Agricultural Institute (ICA). Cooperation ties in the area of technical examinations are still maintained with various member countries of the Union. Since July 2017, the ICA headquarters has been operating from Calle 26 No. 85b-09, Bogotá, Colombia.

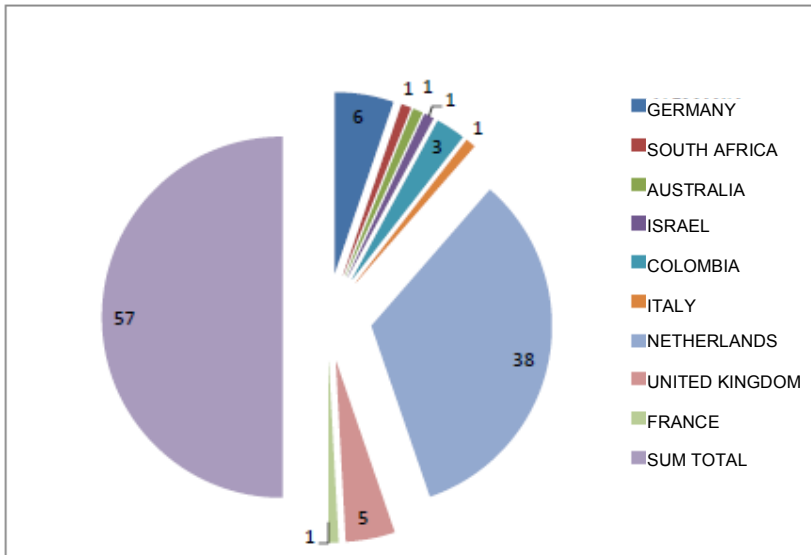
As shown in Figure 1, 123 applications from various countries were received, analyzed and processed between October 2016 and August 2017. The varieties applied for included the rose, chrysanthemum, cranberry, carnation, alstroemeria and rice. Nine distinctness, uniformity and stability (DUS) tests were conducted on coffee. Fifty-seven breeders' certificates were issued for various nationalities, as shown in Figure 2.

The ICA served as the competent national authority for PBR and as the technical expert designated for the identification of protected plant varieties in various judicial proceedings on PBR infringements. Thus, the ICA made progress in its role as technical expert and specialist in judicial proceedings. In this latter capacity, it shed light on various concepts and provided expert opinion on PBR infringements. Issue No. 19 of the Protected Plant Varieties Gazette was prepared and published.

In July, UPOV launched version 1.1 of the PBR Application Tool to cover additional PVP offices, which included Colombia for the rose species.

Figure 1
Applications received by species during the period from October 2016 to August 2017





[Annex VI follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

- Adaptation to the 1991 Act of the Convention:

The Danish law no. 190/2009 "Consolidated Act on Plant Variety Protection" was amended on February 1st 2017. The amendments concern only the question of appeal in a national context. It has no effect on the 1991 Act.

The Danish version of the new national consolidated act no. 10/2017 can be found in the Danish legal database via this link: <https://www.retsinformation.dk/Forms/R0710.aspx?id=186152>

- Other amendments, including in respect of fees:

The Danish order no. 941/2015 "Order on Payment for Control etc. with Seeds and Sowing Seeds" was amended on January 1st 2017 due to changes in the administrative structure between The Danish Agricultural Agency and the TystofteFoundation. On January 1st 2017 The Danish Agricultural Agency delegated new tasks to the TystofteFoundation regarding certification. Hence the need to update the national order.

The new "Order on Payment for Control of Plant Propagating Material" no. 1690/2016 does not change the authorization fee for the entry into our national catalogue nor for the plant variety protection. The fee is still 700 DKK corresponding to approximately 95 € or 108 CHF.

The new order can be found in the Danish legal database via this link:
<https://www.retsinformation.dk/Forms/R0710.aspx?id=185504>

From July 1st 2015 the primary variety testing institute in Denmark is the TystofteFoundation. The foundation is a private institution and sets their own fees regarding administration, analyzes, DUS- and VCU-testing, control plots etc. Information on the fees can be found on the TystofteFoundation's webpage by following this link:

<http://www.tystofte.dk/anmeldelser/betalingsbetingelser-prisliste-og-information-om-betalingsmuligheder/>

1.2 Extension of protection to further genera and species (made or planned): Nothing to report.

1.3 Case law: Nothing to report.

2. Cooperation in examination

Nothing to report.

3. Situation in the administrative field

- Changes in the administrative structure:

On January 1st 2017 The Danish Agricultural Agency delegated further tasks to the TystofteFoundation. These tasks regards certification and does therefore not affect the plant variety protection system.

- Changes in office procedures and systems:
See comments above.

4. Situation in the technical field

The TystofteFoundation is extending their DUS scope by including winter rye as a further species to be tested at Tystofte. In 2018 the foundation will continue to develop their testing and potentially be in a position to receive applications for testing in August/September 2018.

5. Activities for the promotion of plant variety protection

The Danish Agricultural Agency have not in the last year carried out any activities for promotion of plant variety protection in Denmark. This is in some extent due to a major organizational change within the Ministry of Environment and Food, including The Danish Agricultural Agency. For this reason the agency have not either planned for any activities in the near future.

[Annex VII follows]

I. PLANT VARIETY PROTECTION

1. Legislation

1.1 Amendments to the law and regulations

On December 9, 2016, the Organic Code on the Social Economy of Knowledge, Creativity and Innovation which covers all areas of IP, including plant varieties and plant breeders' rights, entered into force in Ecuador.

This Code seeks to standardize the system of science, technology, innovation and ancestral learning provided for in Ecuador's Constitution and link it to the national higher education system so as to establish a connection between IP and the education system as a whole.

With respect to plant varieties, most provisions of the previous law were maintained: only plant breeders' rights were affected. Specifically, the protection term was reduced from 25 to 18 years for vines and trees, including root stocks, and from 20 to 15 years for all other species in keeping with the periods set forth in the 1978 UPOV Convention, of which Ecuador is a signatory.

The regulations pertaining to the Code are currently being developed in conjunction with the public and private research sectors (representative of the floriculture sector; plant breeders' representative; representatives of public and private research institutions; independent researchers and lawyers).

However, pending completion of these regulations, current registration procedures are provisionally governed by the terms laid down by the regulations of the previous IP law.

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

The Organic Code on the Social Economy of Knowledge, Creativity and Innovation still protects all varieties of plant genera and species.

1.3 Case law

Nothing to report.

2. Cooperation in examination

Nothing to report.

3. Administrative aspects

- Changes in the administrative structure

Pursuant to Presidential Decree No. 1435 and in accordance with the provisions of the Organic Code on Social Economy of Knowledge, Creativity and Innovation, the current Ecuadorian Institute of Intellectual Property (IEPI) will be transformed into a new public body known as the National Service for Intellectual Rights (SENADI): a technical agency tasked with knowledge management; attached to the Secretariat for Higher Education, Science, Technology and Innovation; endowed with its own legal personality and administrative, operational and financial autonomy; and consisting of the following entities:

1. General Management
2. Technical Directorate for Industrial Property
3. Technical Directorate for Copyright and Related Rights
4. Technical Directorate for Plant Varieties
5. Collegiate Body for Intellectual Rights

- Changes in administrative procedures and systems

The IEPI is currently finalizing the implementation of a digital platform for online applications related to all areas of intellectual property, including plant varieties. The platform should be launched in the next few months.

4. Technical aspects (see section 3)

- Changes in administrative procedures and systems

Technical staff from the Directorate for Plant Varieties (IEPI) are developing DUS test guidelines for cultivars such as cherimoya, cocoa and other locally-developed varieties in conjunction with heads of research and development on domestic varieties at universities and public research institutes.

The same staff help to conduct DUS tests of locally-developed varieties and participate in field inspections prior to the designation and confirmation of collective distinctive signs (GIs, appellations of origin) to ensure that they have a strong agricultural component.

5. Activities for the promotion of plant variety protection

Activity	Date	Place	Organizer	Aim of activity	Participating countries/ organizations (number of participants from each country/ organization)	Comment
1. National best plant variety competition - "AGROMEJORA 2018"	July 2018	Quito	IEPI	Evaluate the efforts, solutions, originality and discipline of public and private institutions and/or companies, universities and farmers in breeding new ornamental, food, fruit and industrial varieties at the domestic level. Encourage domestic breeders and growers to develop new varieties of agricultural and ornamental cultivars that meet national and international market needs. Reward and recognize individuals for their careful development of the best plant variety. Promote and raise participants' awareness of agricultural and ornamental varieties developed and available in Ecuador.	Ecuador	Cash prizes will be awarded and certificates of participation issued. No registration fee for participation.
2. International seminar on plant varieties and seed legislation	October 2018	Quito	IEPI-UPOV	Extend the system for the legal protection of plant varieties, implementation and enforcement. Provide the legal protection tool to breeders as an incentive for them to create new plant varieties. Raise awareness among breeders of the need to protect their creations to ensure a fair return on their research.	Argentina / Ecuador / Mexico	Registration is free. Certificates of attendance will be issued.

Activity	Date	Place	Organizer	Aim of activity	Participating countries/ organizations (number of participants from each country/ organization)	Comment
3. Capacity-building program with universities at both undergraduate and postgraduate levels to incentivize the development of domestic varieties by the academic community	2017-2018		IEPI	<p>Promote agricultural innovation through the use of plant breeders' rights.</p> <p>Extend the system for the legal protection of plant varieties, implementation and enforcement.</p> <p>Provide the legal protection tool to academics as an incentive for them to create new plant varieties.</p>	Ecuador	Support required from UPOV and other related and concerned bodies.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

The IEPI is working on the Plant Variety Management Platform project.

The aim of the project is to provide the general public with a free digital tool to search for plant varieties covered by intellectual property rights, PBR legislation or national DUS test guidelines.

The digital platform is scheduled to be rolled out in December 2017.

[Annex VIII follows]

ANNEX VIII

GEORGIA

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations:

Georgia is member of the Union with the 1991 Act of the UPOV Convention.

Georgian Law regulates linked with the legal protection of new varieties of plants and applies to all botanical genera and species.

Fee for the registration of new variety of plant and breeds are not applicable yet.

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

Not made.

1.3 Case law

Nothing to report.

2. Cooperation in examination

Georgia does not have bilateral agreements of cooperation in the examination of plant varieties.

3. Situation in the administrative field

- No changes in the administrative structure.
- No changes in office procedures and systems.

4. Situation in the technical field

Nothing to report.

5. Activities for the promotion of plant variety protection

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)
1. Participation in UPOV Technical Working Party for Fruit Crops	13-18 November 2016	Angers France	UPOV, CPVO		OAPI, UPOV, CPVO, CIOFORA, 40 participants from 22 countries

[Annex IX follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

No changes.

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

No changes. Pursuant to the rules in force, plant variety protection extends to all plant genera and species.

1.3 Case law

No data.

2. Cooperation in examination

No changes. According to paragraphs (3) and (4) of Article 114/R of the Patent Act the results of experimental testing (DUS examination report) carried out by a competent foreign authority may be taken into consideration with the consent of such authority (...). The costs of experimental testing shall be borne by the applicant. Therefore the Hungarian Intellectual Property Office (HIPO) took steps to conclude agreements with national and regional offices on sending reports on DUS technical examination from the relevant Office to the HIPO.

The Hungarian Intellectual Property Office concluded agreements on sending reports on DUS technical examination with the Community Plant Variety Office (CPVO), with the Bundessortenamt (Germany) as well as with the Board for Plant Breeders' Rights of the Ministry of Agriculture, Nature and Food Quality (Netherlands).

3. Situation in the administrative field

No changes. The HIPO is authorized to grant protection to plant varieties. In the national system the HIPO is responsible for the examination of novelty, denomination and unity as well as for the registration of plant varieties. The National Food Chain Safety Office is responsible for the biological examination (DUS-testing).

4. Situation in the technical field

Technical examination is carried out by the National Food Chain Safety Office.

[Annex X follows]

ANNEX X

JAPAN

(Period: September 2016 – September 2017)

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

The Ordinance for Enforcement of the Plant Variety Protection and Seed Act (Ordinance of the Ministry of Agriculture, Forestry and Fisheries No.83 of 3 December, 1998) was amended and came into effect on 22 March, 2017 with regard to farmer's use for propagating purpose. The amendment narrowed the vegetatively propagating plant genera and species which are available for farm saved seeds.

2. Cooperation in examination

Japan concluded MOC on international cooperation on examination for effective PBR registration between 11 member States, i.e. Australia, Brazil, European Union, Israel, Kenya, Mexico, Netherlands, New Zealand, Russian Federation, Switzerland and Viet Nam in 2016-2017.

3. Situation in the administrative field

Nothing to report.

4. Situation in the technical field

New national Test Guidelines (TGs) for 11 genera and species were developed, and existing national TGs for four genera and species were revised harmonized with the UPOV TGs in 2016.

5. Activities for the promotion of plant variety protection

5.1 East Asia Plant Variety Protection (EAPVP) Forum

The East Asia Plant Variety Protection Forum was proposed by Japan and was endorsed its establishment by the 7th Meeting of the ASEAN Agriculture and Forestry Ministers and the Ministers of Agriculture of the People's Republic of China, Japan and the Republic of Korea (AMAF+3) in 2007 in Bangkok. Under the Forum, cooperation activities has been conducted in order to facilitate establishment and international harmonization of PVP system based on the UPOV Convention in East Asian countries.

The 10th Annual Meeting of the EAPVP was held in Nay Pyi Taw, Myanmar, on 11 September, 2017 with the participation of representatives of ASEAN countries and People's Republic of China, Republic of Korea and Japan, UPOV, the Meeting invited EU (CPVO), France (GNIS) and Netherlands (Naktuinbouw) as observers and presenters.

The Government of Myanmar hosted the Meeting and the Permanent Secretary of Ministry of Agriculture, Livestock and Irrigation of Myanmar made an opening remark, followed by the Vice Secretary-General of UPOV and the head of delegations of Japan.

A report of the Meeting was presented in the AMAF+3 in 2017, in the opening remarks by the Vice-Minister for International Affairs, MAFF, Japan on 29 September, 2017 in Chiang Mai, Thailand.

Presentation of UPOV and country reports

The office of the UPOV gave a presentation on "Report on developments in UPOV", which stressed impact of the UPOV membership demonstrated Viet Nam's case of farmer's income before and after the

membership. Country reports were presented by the Forum member countries to share their progress, recent changes and challenges of PVP system. After the presentation, participants discussed on the benefit of UPOV membership and the concept of the farmer's right and the breeder's right.

Adoption of the Cooperation Activity Plans in 2017-2018

The cooperation activity plans for 2017-2018 were adopted by the Forum after the brief report of activities in 2016-2017 listed in the table in 5.2. The adopted activities include seminars to be organized in six countries (Cambodia, People's Republic of China, Indonesia, Myanmar, Thailand and Viet Nam).

Discussion of the future direction of the EAPVP Forum activities

During this meeting, Japan made proposal for future direction of the EAPVP Forum for the Next Decade. The objective of the proposal is to reconsider strategies and activities of the Forum and to facilitate establishment of internationally harmonized effective PVP system in Asia. Members discussed future activities positively and adopted to prepare EAPVP's next 10 years strategic plan at the next forum. The adopted proposal is attached as the Appendix.

Decision of the host country for the 11th Forum Meeting

At the end of the meeting, Philippines offered to host the 11th Forum meeting and it was adopted by the Forum.

National Awareness Raising Seminar for Myanmar

On 12 September, "National Awareness Raising Seminar for Myanmar" was organized by the Government of Myanmar with the support by Japan. Some UPOV member states, Office of the UPOV, the research institutes and private company executives from Myanmar attended the seminar.

The Union Minister of Ministry of Agriculture, Livestock and Irrigation of Myanmar made an opening remark, followed by the Vice Secretary-General of the UPOV and the head of delegations of Japan.

A representative of GNIS (France) gave a presentation on "Plant Variety Protection and Farmer's Rights in France". In the presentation, the concept of farm saved seed in France was explained followed by active discussion on that matter. Representatives of PVP Office in Viet Nam and Viet Nameese Seed Company gave lectures on "Viet Nam's PVP - Benefits of becoming UPOV's member" and "UPOV in Viet Nam - A case study of Vinaseed Group", respectively. Both presentations showed that agricultural productivity and farmers' income were increased after becoming UPOV member. A representative of Japanese seed association made a presentation on "Investment and PVP system management - Point of view from country risk management" which underline the importance of education about efficient PVP system in the country for the investment from the seed industry. On behalf of KEPHIS (Kenya), a presentation on "Experience of UPOV members in Africa" was made by Vice Secretary-General of UPOV. A representative of the CPVO (EU) gave a presentation on "Structure and Benefit of EU Plant Variety Protection System", and "PVP - impact and implementation in the Netherlands" was made by Netherlands (Naktuinbouw).

5.2 EAPVP Forum Cooperation Activities

Under the EAPVP Forum, various activities were conducted as following table. Details of these activities are available on the EAPVP Forum website: <http://www.eapvp.org/index.html>

Title of activity	Date	Location	Organizers	Purpose of activity	Participating countries/ organizations (number of participants from each)	Comments
1. High level Study Tour in Japan	25-28 Jul 2016	Tokyo, Kanagawa, Yamagata and Ibaraki Prefecture, Japan	Ministry of Agriculture, Forestry and Fisheries of JAPAN, UPOV	Raising awareness of high level officials on the benefits of the UPOV System of Plant Variety Protection	Cambodia (2), Lao People's Democratic Republic (1), Malaysia (2), Myanmar (2), Thailand (2), Viet Nam (2)	Branding strategy of Agricultural Cooperative gave impact to the participants

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Title of activity	Date	Location	Organizers	Purpose of activity	Participating countries/ organizations (number of participants from each)	Comments
2. Training course for DUS test of corn	1-4 Aug 2016	Ho Chi Minh, Viet Nam	Ministry of Agriculture and Rural Development of Viet Nam, UPOV and JAPAN (MAFF)	Basic knowledge on conducting DUS Test for Corn and mutual understanding for future cooperation in region on PVP	Viet Nam (17), Lao People's Democratic Republic (3), Malaysia (1), Myanmar (1), Japan (3), UPOV (1),	Training course seemed to be very effective to train trainer
3. Seminar on the enforcement of plant breeders' rights under the UPOV Convention	7-8 Sep 2016	Hanoi, Viet Nam	Ministry of Agriculture and Rural Development (MARD) of Viet Nam, UPOV, USPTO and Japan (MAFF)	Raising awareness on the enforcement of plant breeders' rights under the UPOV Convention	Viet Nam (90), AIB (1), APSA (1), ASTA (1), Breeders Trust (1), Cambodia (1), People's Republic of China (5), CPVO (1), GNIS (1), INASE (1), Indonesia (2), Japan (8), Republic of Korea (5), Kenya (1), Lao People's Democratic Republic (2), Malaysia (2), Myanmar (2), Philippines (1), Thailand (2), UPOV (3), USPTO (2), Others (10)	Importance of the effective enforcement of UPOV system was confirmed
4. Seminar on awareness raising on the UPOV System of Plant Variety Protection	5 Dec 2016	Nay Pyi Taw, Myanmar	Ministry of Agriculture, Livestock and Irrigation (MOALI) of Myanmar, UPOV and Japan (MAFF)	Raising awareness on the UPOV System of Plant Variety Protection	Myanmar (141), Viet Nam (1), USPTO (1), UPOV (2), Japan (3), Netherlands (1), Others (1)	Impact of UPOV system made to Agriculture Sector was confirmed
5. Training Course on Plant Variety Protection	16-27 Jan 2017	Nay Pyi Taw, Myanmar	Naktuinbouw, Netherlands and Japan (MAFF)	Technical training on plant variety protection system	Myanmar (30), Japan (1), Viet Nam (1), Netherlands (3)	Japan dispatched two lecturers from Japan and Viet Nam
6. Training Course for DUS test of Marigold (<i>Tagetes erecta</i> L.) using UPOV TG of Marigold	17-20 Jan 2017	Srisaket Horticultural Research Center and Ubonratchathani Field Crops Research Center, Thailand	Department of Agriculture (DOA) of Thailand and Japan (MAFF)	Training for DUS test of Marigold (<i>Tagetes erecta</i> L.) using UPOV TG of Marigold	Thailand (29), Japan (3)	Basic concept of DUS test and UPOV TG were confirmed
7. Seminar on the benefits of the UPOV System of Plant Variety Protection for farmers and growers	23 Feb 2017	T.K Palace Hotel, Bangkok, Thailand	Dept. of Agriculture (DOA) of Thailand, UPOV, Netherlands (Naktuinbouw) and Japan (MAFF)	Raising awareness on the benefits of the UPOV System of Plant Variety Protection for farmers and growers	Thailand (153), UPOV (2) Japan(5), Viet Nam (2), USPTO (1), Netherlands (1), Kenya (1), France (1)	The benefit of UPOV System for farmers was disseminated
8. DUS test orientation on Tomato (Preparation)	26-29 Jul 2017	Phnom Penh, Cambodia	Ministry of Agriculture, Forestry and Fishery And Japan (MAFF)	Training for DUS test of Tomato	Cambodia (9), Viet Nam (2)	Japan dispatched two lecturers from Viet Nam
9. National Seminar on Opportunities/Challenges in Commercialization of New Plant Varieties	24 Aug 2017	Ho Chi Minh City, Viet Nam	Ministry of Agriculture And Rural Development (MARD) of Viet Nam, UPOV, USPTO and JAPAN (MAFF)	Strengthening the Capacity of National PVP System	Viet Nam (67), UPOV (2), USPTO (2), Japan (2), Netherlands (2), Chile (1), Peru (1), Uruguay (1), Kenya (1), Mexico (1)	Japan supported meeting expenses and dispatched two lectures.

5.3 International training course organized by Japan International Cooperation Agency (JICA)

A three months international training course “Plant Variety Protection and Quality Control System of Seeds to Facilitate Distribution of High Quality Seeds” was operated by the JICA cooperation with the Office of the UPOV secretariat, from 12 June to 23 September, 2017 in Japan and Viet Nam with eight trainees participated from Argentina, Bangladesh, Cambodia, Lao People’s Democratic Republic, Myanmar, Sri Lanka, Viet Nam and Zambia following a similar training course organized in 2016.

Appendix

Adopted by the 10th EAPVP Forum Meeting on 11 September, 2017

The 10th East Asia Plant Variety Protection Forum Meeting Japan’s Proposal for Future Direction of the EAPVP Forum for the Next Decade

Agenda: Discussion of the Future Direction of the EAPVP Forum

Proposal: Review our objectives and activities

Proposed action: to discuss EAPVP’s “10 year strategic plan” in the 11th EAPVP Forum meeting

Introduction

1. For achieving our common goal, further development of the agriculture, forestry and food industry of East Asia, EAPVP was established in 2007 with the intent of strengthening each PVP system while harmonizing them, and facilitating the understanding of the UPOV Convention and role of UPOV for the harmonization of PVP systems in accordance with the UPOV Convention in each country in order to promote breeding of new plant varieties in each country as well as to provide an incentive for foreign breeders’ investment
2. Under “the Guideline for Operation of EAPVP Forum” approved by the First meeting of the EAPVP Forum in 2008, to achieve the Forum’s objectives such as to promote mutual cooperation particularly in capacity building by sharing experience and knowledge in the region, key activities of the Forum has been focused on ‘information exchanges’ to understand and harmonize the PVP system in each member, considering capacity level as well as technical gap of each country.

Achievements

3. During the past decade, under the EAPVP Forum, thanks to series of cooperation activities, technical capacity of each country including the DUS examination has been improved. On the facility aspects, DUS test stations have been newly established or strengthened in some member countries.
4. In addition, the DUS test guideline for tropical plant discussed under EAPVP activities, and was considered in the discussion in UPOV Technical Working Parties (TWPs) which have served to provide detailed practical guidance for the harmonized examination of DUS testing.
5. As well as harmonization of the PVP systems in the region, there is movement/development towards the preparation to be UPOV member in some EAPVP member countries, though it should be noted that it has not been seen new membership of the UPOV from EAPVP members in terms of legal aspect.

Challenges

6. Recognizing the key role of the EAPVP Forum as a sustainable forum exploring cooperative activities for the development of PVP system in the East Asian region and its achievements over the decade, it may be high time for the Forum to reconsider our strategies and activities adding to information exchanges for the next decade to archive our common goal so that the Forum will continue to play a key role as a regional forum while gaining the members’ active participation.

7. Among others, further harmonization or integrity of the PVP system in Asian region should be one of the main issues for consideration because internationally harmonized effective PVP system in accordance with the UPOV system facilitates to protect plant breeder's rights internationally and efficiently. In this context, reconsidered objectives and activities may include region-specific programs in East Asian region in consistent with UPOV Convention that has function to encourage non-UPOV members in EAPVP Forum to join to the UPOV membership.
8. It is obvious to respect the different situation and concerns of each member countries surrounding PVP as ever discussion in the EAPVP Forum.

Proposal

9. Japan would like to propose the EAPVP Forum to:
 - i. discuss and prepare EAPVP's "the Next 10 years strategic plan" which may include common direction, members' individual implementing strategy for strengthening their PVP system, and regional cooperation on PVP harmonization strategy consisting with UPOV system in the 11th EAPVP Forum meeting after reviewing our achieved objectives and future possibilities,
 - ii. discuss "the Guideline for Operation of EAPVP Forum" and "the Priorities for Activities to be implemented under the EAPVP Forum Cooperation Framework" in respect of the views shared through the discussion in bullet i, which may be revised in the 11th Forum or the future meeting, if necessary,
 - iii. organize pre-Forum meetings (including electric meetings) before the 11th EAPVP Forum for facilitating discussion in bullet i and ii, if necessary.

[Annex XI follows]

I. 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 amended on 19th of October, 2006 and last amended on 26th of April, 2012;
- Regulation No 1458 of the Government of the Republic of Lithuania of the 15th of December, 2000, regarding Fees Rates;
- Order No A1-50 of the Director of the State Plant Service under the Ministry of Agriculture of the 8th of August, 2010, on the Approval of Application Form for Plant Variety Protection;
- Order No 3 D–371 of the Minister of Agriculture of the Republic of Lithuania of the 23rd of June, 2004, regarding remuneration.

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

According to the amendments of the Law on Plant Variety Protection of the Republic of Lithuania on 26th of April, 2012, varieties of all plant genera and species could be protected in the Republic of Lithuania.

1.3 Case law:

There is no case law relating plant varieties protection in Lithuania on 2016.

2. Cooperation in examination

There are 2 signed agreements regarding the cooperation in examination in Lithuania:

- Bilateral agreement of the 11th of August, 2000, with the Polish Research Centre for Cultivar Testing (COBORU) regarding performing DUS tests, has been amended on 14th of November, 2012, by the Administration agreement No 1/2012/19T-247;
- Agreement No 10 with Federal Office of Plant Varieties (*Bundessortenamt*), Germany, regarding transmission of the results on technical examination for DUS tests of the 30th of June, 2006, has been amended on the 18th of October, 2010, by the agreement No 19T-98.

3. Situation in the administrative field

- The Plant Variety Division of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania is responsible for plant varieties testing, listing and legal protection as well;
- The Commission for Evaluation of Applications for Variety Protection approved by the Order No. A1-141 of the Director of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania on the 6th of May, 2011, has been amended on 27th of January, 2016, by the Order of the Director of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania No A1-42;
- The granting of the plant variety protection shall be approved by the order of the Director of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania;
- Procedures and the system of the plant varieties protection are defined by the Law on Plant Variety Protection of the Republic of Lithuania.

4. Situation in the technical field

DUS tests are performed by the Polish Research Centre for Cultivar Testing (COBORU) according to an Administration agreement No 1/2012/19T-247, amended 14th of November, 2012, or by the other competent authority of the European Union by the breeders' request.

5. Activities for the promotion of plant variety protection

Title of activity	Date	Location	Organizer (s)	Purpose of activity	Participating countries/ organizations (number of participants from each)
1. European Council meeting	8 of March, 2016	Brussels, Belgium	European Council	To coordinate activities before the UPOV meetings	Commission, CPVO and member States – 31 at all
2. Administrative Council of the CPVO meeting	18–21 of April, 2016	Angers, France	CPVO	To discuss main questions regarding plant variety protection	European Commission, CPVO, UPOV, observers and member States – 38 at all
3. European Council meeting	17 of March, 2016	Geneva, Switzerland	European Council	To coordinate activities before the UPOV meetings	Commission, CPVO and member States – 28 at all
4. UPOV Consultative Committee, Council meetings and Meeting on the Development of an Electronic Application Form	17-18 of March, 2016	Geneva, Switzerland	UPOV	To discuss main questions regarding plant variety protection in the consultative and Council fields	Members (63), observers (1), organisations (11), UPOV (8) – 83 at all
5. Symposium "Finding the balance; exploring solutions in the debate surrounding patents and plant breeder's rights"	18 of May, 2016	Brussels, Belgium	CPVO	To discuss main questions regarding patents and plant breeder's rights systems	Member States and other interested participants
6. Working group on Plant Variety Denominations and programme "Variety Finder"	24 of June, 2016	Paris, France	CPVO	To discuss main questions on plant variety denominations	CPVO, Commission and member States
7. Administrative Council of the CPVO meeting	4 of October, 2016	Angers, France	CPVO	To discuss main questions regarding plant variety protection meetings	European Commission, CPVO, UPOV, observers and member States – 46 at all
8. European Council meeting	18 of October, 2016	Brussels, Belgium	CPVO	To coordinate activities before the UPOV	Commission, CPVO and member States – 39 at all
9. UPOV Administrative and Legal committee as well as the Council meeting, seminar on Propagating and Harvest Material as well as symposium on Possible Interrelations between ITPGRFA and UPOV Convention	24-26 of October, 2016	Geneva, Switzerland	UPOV	To discuss main questions regarding plant variety protection in the administrative and legal fields	Members (78), organisations (12), UPOV (9) – 99 at all

Title of activity	Date	Location	Organizer (s)	Purpose of activity	Participating countries/ organizations (number of participants from each)
10. CPVO meeting with the examination institutions	7-8 of December, 2016	Angers, France	CPVO	To discuss questions regarding plant varieties DUS testing and protection	Commission, CPVO and member States – 41 at all

Information Bulletin on Plant Breeder's Rights and National List of Plant Varieties No 1 (27) of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania was published on the 11th of January, 2016, and No 2 (28) – on the 15th of June, 2016.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

The Lithuanian National List of Plant Varieties 2016 has been approved by the order No A1-93 of the Director of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania on the 11th of February, 2016. Propagating material of each registered variety from each plant species can be certified according to the Mandatory Requirements, prepared respectively by the EU directives.

[Annex XII follows]

NEW ZEALAND

PLANT VARIETY PROTECTION

1. Situation in the legislative field

The Plant Variety Rights Act 1987 remains in force, conforming to the 1978 Act of the Convention.

The New Zealand government has commenced a review of the Plant Variety Rights Act 1987. Public consultation on this review will commence later in 2017 or early 2018.

2. Cooperation in examination

New Zealand continues to purchase test reports from member states, for certain species on an as required basis, under the general provisions of the Convention.

The decision by certain member states to no longer charge a fee for test reports provides an opportunity for enhanced cooperation. The test report and variety description can be used for identifying varieties of common knowledge, adding to national variety description data and use for supplementary examination.

3. Situation in the administrative field

During the financial year ended 30 June 2017, 131 applications for plant variety rights were accepted (9% increase on the previous year), 100 grants were issued (14% decrease on the previous year) and 97 grants were terminated (14% decrease on the previous year). At 30 June 2017 there were 1298 valid grants, a small increase on the previous year. Application numbers are stable with low annual fluctuation.

The Office is following a programme of continuous improvement for the case management system with 95% of applications now filed on line. In addition, the Office continues with a project to document Office practices and processes, with the objective of clear records and guidance for all key functions.

4. Situation in the technical field

A new policy removing the current requirement to supply fungal endophyte free seed for the testing of varieties in certain grass species has been introduced. The change results from recent experience from overseas and nationally, which now cast sufficient doubt on the need for fungal endophyte free seed for DUS testing in ryegrass and fescue.

A programme to provide technical guidance documents on the website was started several years ago. Two new documents have been added in the last year:

Use of the Technical Questionnaire

<https://www.iponz.govt.nz/about-ip/pvr/technical-guidance/current/the-tech/>

The duration of DUS testing and fee requests

<https://www.iponz.govt.nz/about-ip/pvr/technical-guidance/current/the-duration-of-dus-testing-and-fee-requests/>

Foreign breeders and their New Zealand agents continue to express frustration regarding the difficulty in importing plant material, at the same time understanding the need for a strict biosecurity regime. For a number of genera there is a lack of space in existing approved quarantine facilities. The Plant Variety Rights Office continues to work with foreign breeders and their New Zealand agents to meet the requirements for DUS testing and consider those for plant importation managed by the Ministry of Primary Industries.

5. Activities for the promotion of plant variety protection

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)	Comments
Technical Assistance and Training	22-26 May 2017	Republic of Korea	Korean International Cooperation Agency / Korean Seed and Variety Service	Plant Variety Protection and DUS Testing International Training Course	Sudan, Ghana, Costa Rica, Peru, Guatemala, Philippines, 12 participants	NZ as Technical Advisor and drafting Test Guideline expert

[Annex XIII follows]

ANNEX XIII

AFRICAN INTELLECTUAL PROPERTY ORGANIZATION

PLANT VARIETY PROTECTION

1. Situation in the legislative field

Nothing to report.

2. Cooperation in examination

Nothing to report.

3. Situation in the administrative field

- Changes in the administrative structure:

INERA (Burkina Faso); CNRA (Côte d'Ivoire).

- Changes in procedures and systems

Nothing to report.

4. Situation in the technical field

In the technical field, OAPI is currently having DHS tests conducted by its accredited testing centers, namely IRAD in Cameroon and ISRA in Senegal. Furthermore, the testing centers of UPOV members may be contacted in order to purchase findings or to organize a DHS test that cannot be conducted by its accredited centers.

5. Activities for the promotion of plant variety protection

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/organizations (number of participants from each)
1. Project on plant breeding capacity building	2009	Yaoundé	OAPI-TRADECOM FACILITY	- Train staff - Draft procedural handbook - Draft implementing regulations	
2. Information and awareness-raising for experts in agricultural research centers	from April 22 to 24, 2009	Douala	OAPI-GNIS	Raise awareness	Cameroon 42 participants
3. Information and awareness-raising for experts in agricultural research centers and substantive decision makers	from May 4 to 07, 2010	Ouagadougou	OAPI-GNIS	Raise awareness	Burkina Faso
4. Information and awareness-raising for experts in agricultural research centers	from April 18 to 22, 2011	Bamako	OAPI	Raise awareness	Mali

C/51/15
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Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/organizations (number of participants from each)
5. Work on the Test Guidelines	2011	Yaoundé	OAPI-IRAD-ISRA	Determine the test guidelines	Cameroon
6. Information and awareness-raising for experts in agricultural research centers	from July 06 to 09, 2010	Douala	OAPI – UPOV	Raise awareness	Cameroon 38 participants
7. Information and awareness-raising for experts in agricultural research centers	From July 4 to 08, 2011	Lomé	OAPI – GNIS - UPOV	Raise awareness	Togo
8. Information and awareness-raising for experts in agricultural research centers	from April 22 to 26, 2013	Dakar	OAPI -	Raise awareness	Senegal
9. Information and awareness-raising for experts in agricultural research centers	from June 24 to 28, 2013	Abidjan	OAPI	Raise awareness	Côte d'Ivoire
10. Information and awareness-raising for experts in agricultural research centers	from 27 to 29, 2015	Buea	OAPI-UPOV IRAD	Raise awareness	Cameroon 50 participants
11. Information and awareness-raising for experts in agricultural research centers	from September 26 to 28, 2016	Abidjan	OAPI-UPOV CNRA	Raise awareness	Côte d'Ivoire 56 participants

[Annex XIV follows]

ANNEX XIV

PERU

PLANT VARIETY PROTECTION

Activities for the promotion of plant variety protection

Activity	Date	Place	Organizer	Aim of activity	Participating countries/ organizations (number of participants from each country/ organization)
1. Procedure for the protection of new plant varieties in Peru	April 27, 2017	National Agrarian University - La Molina (UNALM), Lima	UNALM, National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI)	Extend the domestic plant variety protection system and promote registration at the university.	15 participants (including professors, researchers and students of the university)
2. Protection of plant varieties in Peru: new varieties of quinoa	March 23, 2017	National University of Altiplano de Puno	Ministry of Agriculture; INDECOPI as co-organizer	Extend the domestic plant variety protection system and take stock of efforts to protect quinoa varieties in the country.	30 participants (including professors, researchers and students from Peru and other countries taking part in the VI World Congress on Quinoa and the III International Symposium on Andean Grains)
3. Protection of plant varieties in Peru – breeders' certificates	June 27, 2017	Faculty of Agronomy in the National University of Saint Augustine - Arequipa	National Institute for Agrarian Innovation (INIA)	Extend the domestic plant variety protection system and promote registration at the university.	116 participants (including professors, researchers and students of the university)
4. Protection of plant varieties in Peru – breeders' certificates	August 17, 2017	Regional Directorate of Agriculture - Loreto	INIA	Extend the domestic plant variety protection system and promote registration in the region.	37 participants (including professors, researchers and students from the region)
5. Training course on the protection of new plant varieties under the UPOV Convention: opportunities for plant-breeding and Peruvian agriculture	August 7–9, 2017	National Institute of Health - Lima	INDECOPI and UPOV	Extend the domestic plant variety protection system and promote registration in the region.	23 participants (including professors, researchers and students of universities in Lima and national research institutes)
6. Protection of plant varieties in Peru – breeders' certificates	August 28, 2017	National Institute of Health - Lima	National Institute of Health – Ministry of Health	Extend the domestic plant variety protection system and promote registration within the Institute.	15 participants (researchers from the Institute)
7. Protection of plant varieties in Peru – breeders' certificates	September 6, 2017	Cayetano Heredia University - Lima	Cayetano Heredia University	Extend the domestic plant variety protection system and promote registration within the framework of the intellectual property course delivered at the university.	15 participants (students of the university)

ANNEX XV

POLAND

(Period: September 1, 2016 – August 31, 2017)

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

The Act of June 26, 2003 on the Legal Protection of Plant Varieties (POJ of 2016, item 843; amended by POJ of 2017, item 1238) constitutes the legal basis for the national PBR protection system in Poland. Its consolidated text has been published in the POJ of June 14, 2016, item 843, however recently it has been amended. The recent amendments to the provisions in force have been introduced by the Act of June 8, 2017 amending the Act on the Legal Protection of Plant Varieties (POJ of 2017, item 1238). This Act entered into force on July 11, 2017.

The law amendments apply to the provisions related to the exceptions to the breeder's right and they were mainly made in the art. 23 with respect to the regulations concerning the farmer's privilege. The number of species for which the farmers can take the advantage of the agricultural exemption (farmer's privilege) has been extended from 17 to 18, by adding Soya Bean. Moreover, the holder of agricultural land and the organization representing such holders have been released from the obligation to provide the information in the range of the use of harvested material as propagating material.

The Polish Plant Variety Protection Law is based on the 1991 Act of the UPOV Convention. Poland acceded to the 1991 Act of the UPOV Convention as the twenty-fourth State, on August 15, 2003.

Since November 1, 2000 all plant genera and species are eligible for PBR protection in Poland.

2. Cooperation in examination

The Research Centre for Cultivar Testing (COBORU) in Słupia Wielka continues its cooperation in the field of DUS examination with different countries.

We have signed bilateral agreements on DUS testing with the Czech Republic, Hungary and Slovakia. Unilateral agreements with Latvia, Lithuania, Estonia, Romania, Belarus, Slovenia, Russian Federation and Ukraine are in force.

In the reporting period, Poland carried out DUS tests for the Lithuanian (40 varieties), Czech (38 varieties), Hungarian (23 varieties), Estonian (19 varieties), Latvian (6 varieties), Swedish (4 varieties), Slovenian (4 varieties), Slovak (4 varieties), Finnish (1 variety), German (1 variety) authorities as well as for the CPVO (30 varieties).

These tests were done for the different species of agricultural (86 varieties), vegetable (17 varieties), ornamental (18 varieties) and fruit (49 varieties) plants. Altogether, 170 varieties were tested as a commissioned work for the above mentioned authorities.

As in previous years, some authorities, namely: the CPVO, Austria, Canada, Czech Republic, Denmark, Estonia, Finland, Latvia, Lithuania, Russian Federation, Serbia, Turkey and United Kingdom took the technical examination results over from COBORU, in order to base their decisions for their own procedures.

Poland actively participated in the work on the elaboration of the technical protocols during the meetings organized by the CPVO.

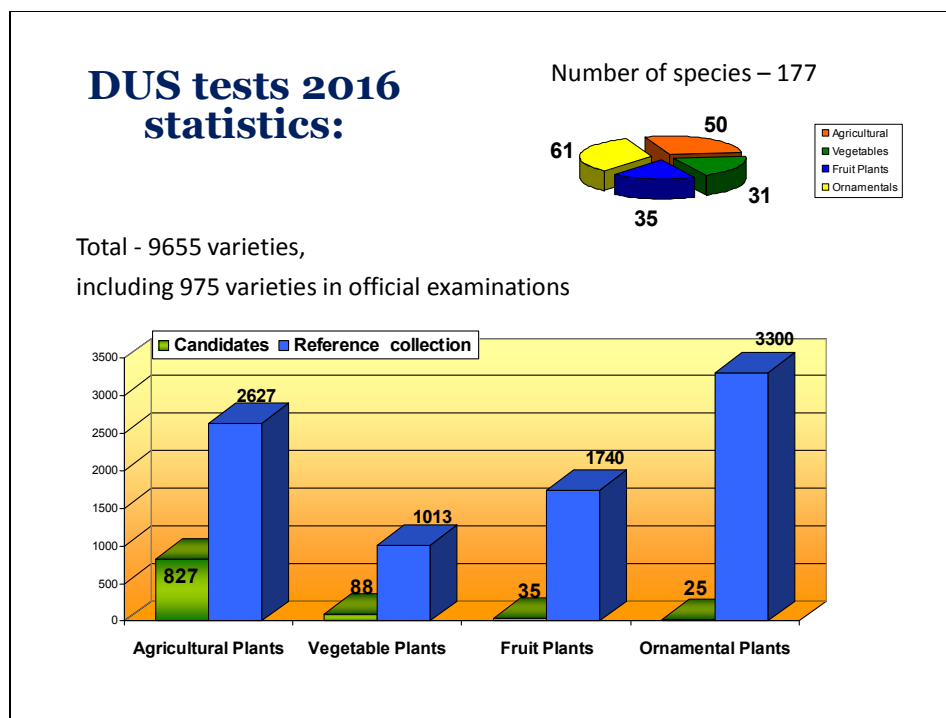
3. and 4. Situation in the administrative and technical fields

COBORU variety testing activity in the field of DUS is done in 13 different Experimental Stations for Variety Testing located all over the country and in case of fruit plants additionally in the Research Institute of Horticulture in Skierniewice.

In 2016, 9655 varieties within 177 plant species were tested (which included 8680 varieties in living reference collection and 975 candidate varieties).

The number of varieties tested in Poland, per plant sector, is shown in the graph below.

Number of varieties in DUS testing in 2016



In 2016, COBORU received 115 applications for national PBR protection in total, which constitutes an increase by 18 applications in comparison with the previous year.

From January 1 to September 1, 2017, 80 new applications, including 57 domestic and 23 foreign, have been submitted for national PBR. This number is lower by 14 applications than that observed in the previous reporting period (94).

In 2016, COBORU granted 85 titles of national protection (24 titles more than in 2015). At the end of 2016, there were 1162 national PBR titles in force, which comparing to the previous year represents an increase by 34 varieties (3%).

In the period from January 1 to September 1, 2017, 74 titles of national PBR protection have been granted. In total, 1177 varieties are protected in Poland (as on Sept. 1, 2017).

Details on the statistics are given in the table below.

In the column "Titles having ceased", there is no variety for which - within the reported period - national PBR expired.

Plant Species	Applications for PBR 1.01. – 1.09.2017			Grants of PBR 1.01. – 1.09.2017			Titles having ceased	Titles in force as on 1.09.2017
	domestic	foreign	together	domestic	foreign	together		
Agricultural	38	1	39	33	1	34	26	644
Vegetable	2	-	2	9	4	13	6	214
Ornamental	15	19	34	17	3	20	25	204
Fruit	2	3	5	7	-	7	2	115
Total	57	23	80	66	8	74	59	1177

5. Activities for the promotion of plant variety protection

Representatives from Poland regularly participate in the sessions of the UPOV organs and in the UPOV Technical Working Parties.

Furthermore, Polish representatives take part in the meetings of the Standing Committee on CPVR DG SANCO, Brussels as well as in the CPVO Administrative Council meetings.

Within the reporting period, the following UPOV Distance Learning Courses have been successfully completed:

- “Introduction to the UPOV System of Plant Variety Protection under the UPOV Convention” (DL-205) – by two COBORU examiners
- “Administration of Plant Breeders’ Rights” (Part A of DL-305 course: Examination of applications for plant breeders’ rights) – by one COBORU expert
- „DUS Examination” (Part B of DL-305 course: Examination of applications for plant breeders’ rights) – by five COBORU experts and two examiners.

Publications

Every two months COBORU issues the Polish Gazette for Plant Breeders’ Rights and National List (Diariusz), which contains details referring to national PBR protection and national listing systems.

The list of varieties protected by national Plant Breeders’ Rights (including provisional PBR’s), valid as on June 30, 2017, has been published in the third number of the Polish Gazette for Plant Breeders’ Rights and National List No 3(140)2017.

The Official Gazette is also being published on our website, in the section: Publications.

Additionally, the Research Centre for Cultivar Testing maintains and updates systematically a homepage www.coboru.pl that contains the official information on PVP matters in Poland.

During the reporting period COBORU was involved in the following promotional activities:

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)
1. Scientific Conference “Protection of new solutions in the domain of biotechnology”	09.12.2016	Poland, Warsaw	Polish Patent Office	COBORU Director gave two lectures on: “Procedure of the grant of Plant Breeder’s Right by COBORU”, “Legal aspects of coexistence between breeders’ rights and plant related inventions in biotechnology” as well as participated in the panel discussion summarizing the conference	PL - 50
2. Workshop “Systems of plant variety protection and registration of plant varieties in Poland under existing national legislation”	27.04.2017	Poland, Posen	Polish Chamber of Patent Attorneys	Presenting of COBORU organization and activity within the scope of both national listing and granting of PBR ; familiarizing patent attorneys with the national and Community plant variety protection systems	PL - 25

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)
3. Visit of NEBIH (HU) representatives	04-06.07.2017	Poland, Experimental Stations: Słupia Wielka, Bobrowniki	COBORU	Exchange of experience in DUS testing and inspection of DUS trials of Triticale, Rye, Buckwheat, Meadow Fescue, Tall Fescue, Sugar Beet, Lupines	HU - 2 PL - 8
4. Visit of Naktuinbouw (NL) representative	02-04.08.2017	Poland, Experimental Stations: Słupia Wielka, Chrzastowo	COBORU	Presenting of COBORU organization and activity; Exchange of experience in DUS testing of ornamental plants and discussion on possible areas of cooperation	NL - 1 PL - 10
5. Visit of Naktuinbouw (NL) representative	29.08.2017	Poland, Experimental Station: Zybiszów	COBORU	Exchange of experience in DUS testing, discussion on maintaining of reference collection and conducting of trials for descriptive lists purposes of ornamental and fruit plants; presenting of Experimental Station Zybiszów activity	NL - 1 PL - 8

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

The Polish National List of Agricultural Plant Varieties, the Polish National List of Vegetable Plant Varieties and the Polish National List of Fruit Plant Varieties were issued in April, May and June 2017, respectively. These Official Lists as well as updated lists of varieties are also available at www.coboru.pl.

[Annex XVI follows]

ANNEX XVI

REPUBLIC OF MOLDOVA

PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments to the Law and the implementing regulations

The Law No. 39-XVI of 29.02.2008 on the Protection of Plant Varieties was modified and amended by the Law No. 101 of 26.05.2016, the main modification referring to the addition of the optional exception to the breeder's right according to the Art. 15(2) of the 1991 Act of the UPOV Convention.

1.2 Extension of protection to further genera and species

According to the law No.39-XVI/2008 on the Protection of Plant Varieties, the protection is offered to varieties of all botanical genera and species, including hybrids between genera and species.

1.3 Case Law

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

2. Cooperation in examination

Utilization of existing DUS report offered by:

- GEVES (France), INRA Angers (49), FR.
- *Bundessortenamt, Prüf stelle* Wurzen, DE

3. Situation in the administrative field

No changes.

Changes in the Procedural and Protection System

No changes.

Statistics

In the period from January 1, 2016 to December 31, 2016:

- 22 applications have been received (20 national applications and 2 foreign), as follows:
 - Apple (*Malus domestica* Borkh.) – 1
 - Balm (*Melissa officinalis* L.) - 1
 - Maize (*Zea mays* L.) - 4
 - Peas (*Pisum sativum* L.) - 1
 - Tomato (*Solanum lycopersicum* L.) – 4
 - Triticale (*Triticosecale* Witt.) - 1
 - Walnut (*Juglans regia* L.) - 8
 - Wheat (*Triticum aestivum* L.) – 2
- 37 patents for plant varieties have been issued (33 national patents and 4 foreign), as follows:
 - Apple (*Malus domestica* Borkh.) – 1
 - Barley (*Hordeum vulgare* L.) - 1
 - Basil (*Ocimum basilicum* L.) - 2
 - Cup Plant (*Silphium perfoliatum* L.) - 1
 - Facelia (*Phacelia tanacetifolia* Benth.) - 1

Fennel (*Foeniculum vulgare* Mill.) - 1
 Giant Knotweed (*Polygonum sachalinense* F.Schmidt) - 1
 Husk Tomato (*Physalis ixocarpa* Jack. ex. Nees.) - 1
 Lemon Day-lily (*Hemerocallis x hybrida hort.*) - 2
 Maize (*Zea mays* L.) – 14
 Onion (*Allium cepa* L.) - 1
 Peony (*Paeonia lactiflora* Pall.) - 2
 Sorbus (*Sorbus* L.) - 1
 Strawberry (*Fragaria* L.) - 2
 Sweet pepper (*Capsicum annuum* L.) - 1
 Topinambur (*Heliathus tuberosus* L.) - 1
 Virginia Mallow (*Sida hermaphrodita* Rusby) - 1
 Wheat (*Triticum aestivum* L.) – 2
 Yacon (*Polymnia sonchifolia* Poepp. et Endl.) - 1

- 184 plant variety patents were valid on 12/31/2016.

4. Situation in the technical field

No changes.

5. Activities for the promotion of plant varieties protection

Meetings, seminars

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each country/organization)
Round table "Practical aspects on functioning of the national system of protection and exploitation of new plant varieties	15.12. 2016	Chisinau	State Agency on Intellectual Property of the Republic of Moldova (AGEPI), State Commission for Crops Variety Testing of the Republic of Moldova (CSTSP)	Extend knowledge and share best practices of plant variety protection and enforcement of PBR	- AGEPI - CSTSP - Deputy Minister of Agriculture and Food Industry - representatives in industrial property - scientific institutions - business representatives, - breeders

Publications

On a regular basis, AGEPI maintains the web site: www.agepi.gov.md, where the national legislation in the field of plant varieties protection can be accessed, as well as the application form for a plant variety patent, and useful related information for applicants and breeders, available in Romanian, Russian and English languages.

[Annex XVII follows]

PLANT VARIETY PROTECTION

1. Situation in the legislative field

Ministerial Order No. 321/2016 modifying the Ministerial Order No. 1348/2005 for the approval of the Rules regarding the testing and registration of agricultural plants and Order No. 1349/2005 for the approval of the Rules regarding the testing and registration of vegetables.

This order is in compliance with the new EU Directive 2015/1168/EU from July 15, 2015 regarding the variety testing and registration.

2. Cooperation in examination

The cooperation with UKZUZ from Czech Republic in the field of DUS testing continued and the exchange of seed samples with other EU authorities also continued.

The sale of DUS technical reports to EU authorities or other UPOV member states continued.

3. Situation in the administrative field

There were no changes in the administrative structure and procedure system.

The administrative centre of our institute was rehabilitated. Also, the project for building two greenhouses for DUS test for vegetable species was approved.

The Testing Stations were equipped with new agricultural machinery and laboratory equipment.

4. Situation in the technical field

In 2016, in the field of testing, 538 varieties were tested : 383 agricultural plant species, 83 vegetable, 52 fruit tree, 14 vine and 6 ornamental varieties and 173 varieties were registered in our national Official Catalogue: 129 varieties of agricultural plant species, 22 vegetables, 21 fruit trees and 1 vine.

In addition for PBR, 34 applications for protection, 26 protection titles were issued and 335 titles are in force.

[Annex XVIII follows]

ANNEX XVIII

SERBIA
(September 2016 - September 2017)

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

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

All plant genera and species are subject to protection under the Law on the Protection of Plant Breeders Rights („Official Gazette of RS”, No. 41/2009 and 88/2011).

2. Cooperation in examination

3. Situation in the administrative field

- Changes in the administrative structure

According to the Law on Ministries (“Official Gazette of the Republic of Serbia”, No.62/17, since June 26th, 2017) new institutional structure was established. Instead of the Ministry of Agriculture and Environmental Protection-Plant Protection Directorate, designated authority for the protection of the plant breeders’ rights in the Republic of Serbia is the Ministry of Agriculture, Forestry and Water Management (MAFWM) - Plant Protection Directorate. Plant Protection Directorate as an administrative authority within the MAFWM performs tasks related to: protection of plants against harmful organisms; authorization and control of plant protection and plant nutrition products; plant variety registration; protection of plant breeders’ rights; biological safety (GMO); phytosanitary inspections and other related tasks. Within Plant Protection Directorate, Group for Plant Variety Protection and Biosafety exercises administrative procedures related to provisions of the Law on Protection of Plant Breeders Rights and to granting of plant breeders rights, also as tasks related to GMO.

4. Situation in the technical field

Since September 2016 to September 2017, plant breeders’ rights have been granted for 92 plant varieties, based on the results of the examination of plant varieties and proposals of the Expert Council for Protection of Plant Breeders’ Rights, as a special expert body of the Ministry of Agriculture, Forestry and Water Management - Plant Protection Directorate.

Register of Applications for Plant Breeders Rights, also as Register of Protected Plant Varieties are available on the web page of PPD:

http://www.uzb.minpolj.gov.rs/index.php?option=com_content&view=article&id=61&Itemid=14&lang=en

5. Activities for the promotion of plant variety protection

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)	Comments
TAIEX Workshop on Testing of Fruit Varieties	Sept. 6-7, 2016	Serbia	TAIEX and Serbian Ministry of Agriculture and Environmental Protection-Plant Protection Directorate	The aim of the workshop was to improve the practical knowledge on testing methods of fruit varieties, with special focus on Prunus, in particular on the DUS testing technique.	Ministry of Agriculture and Environmental Protection - Plant Protection Directorate, Serbia National Food Chain Safety Office, Hungary French Group for the Study and Control of Varieties and Seeds (GEVES) French National Institute for Agricultural Research (INRA)	Workshop intended to exchange best practices in the field of testing new fruit varieties between experts from EU Member States and officers from the Serbian Plant Protection Directorate
TAIEX Workshop on Plant Breeders' Rights	October 18 – 19, 2016	Serbia	TAIEX and Serbian Ministry of Agriculture and Environmental Protection-Plant Protection Directorate	The aim was to provide information on Plant Breeders Rights (PBR) and to support stakeholders in the seed sector on the possibilities and added value for production that Plant Breeders Rights (PBR) system provides, according to the Council Regulation (EC) No 2100/94.	Ministry of Agriculture and Environmental Protection - Plant Protection Directorate, Serbia International Union for the Protection of New Varieties of Plants (UPOV) Agencja Nasienna Sp., Poland Austrian Agency for Health and Food Safety (AGES) Seed Testing and Certification Center (CREA-SCS), Italy	Participants were informed on PBR impact based on example from EU Member States and UPOV and about different aspects of farm saved seed.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

Information related to registration (approval) of plant varieties for the National List of Plant Varieties of the Republic of Serbia, are available on the web pages of the Ministry of Agriculture, Forestry and Water Management, Plant Protection Directorate:

www.uzb.minpolj.gov.rs/index.php?lang=en

www.sorte.minpolj.gov.rs

[Annex XIX follows]

SWITZERLAND

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and implementing regulations

There were no changes to the legal basis for the protection of plant varieties in the past year.

1.2 Extension of protection to further genera and species

In Switzerland, all genera and species may be protected.

1.3 Case law

To our knowledge, no rulings concerning the protection of plant varieties were handed down during the past year.

2. Cooperation in examination

No changes. No trials are conducted in Switzerland. All examinations are done abroad under contract, or alternately, existing examination reports are taken on board.

3. Situation in the administrative field

Nothing to report.

4. Situation in the technical field

Nothing to report since no trials are conducted in Switzerland.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

- Switzerland is seeking to establish a center of excellence for plant breeding.
- Some organizations are criticizing calls under free trade agreements for the Contracting Parties to accede to the 1991 UPOV Convention or take equivalent measures to protect new plant varieties.

[Annex XX follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Changes in legislation and in the application of legal norms

The Law of Ukraine “On Amendments to Certain Laws of Ukraine Relating to Bringing Ukrainian Legislation on Seeds and Seedlings in Compliance with European and International Norms and Standards” dated 08.12.2015 No. 864-VIII, came into force on August 1, 2016.

This Law amended the Law of Ukraine “On the Protection of Rights to Plant Varieties” and the Law of Ukraine “On Seeds and Planting Material”.

Amended the Law of Ukraine “On the Protection of Rights to Plant Varieties” provide the following. The terminology has been expanded, namely the introduction of new concepts: *parent components* are components of the first generation of hybrid (line, hybrid) used for its creation; *Competent Authority* is the central executive authority, which ensures the formation and implementation of state policy in the field of plant varieties rights protection; *Expert institution* is an enterprise, institution or organization authorized by the Competent Authority to implement certain powers in the field of the protection of plant varieties rights in accordance with the Law of Ukraine.

The powers of the Competent Authority have been determined, in particular:

- ensures organization of applications acceptance for a plant variety, conducting examination, and makes decisions about applications for a plant variety;
- grants patents on plant varieties, certificates about the authorship on plant varieties, certificate of state registration of plant varieties;
- ensures the maintenance of the Register of Applications, the Register of Patents, the Register of Plant Varieties of Ukraine.

The examination of the application consists of formal examination (examination on formal characteristics) and qualifying examination (technical examination). During the qualification examination are determined the novelty of the variety, it's conformity to the criteria of distinctness, uniformity and stability.

The law provides also the conducting the examination of the varieties suitable for dissemination. Thus, the Competent Authority determines the list of genera and species varieties of which undergo the examination on suitability for distribution of the plant variety. Regarding varieties and species that are not included in the mentioned above list, the decision taken on the basis of information provided by the applicant.

However, varieties which are not included in the Register of Plant Varieties of Ukraine, it is prohibited to distribute in Ukraine, unless otherwise provided by law.

Amended the Law of Ukraine “On Seeds and Planting Material” provide the following.

The notion the *State register of seed and seedling producers* is defined a list seed and seedling producers that produce seeds and/or seedlings for dissemination in accordance with the requirements of this Law; the *Certification of Seeds and Planting Material* is a set of measures to determine varietal and crop quality of seeds, and varietal and commodity qualities of planting material for the purpose of documentary confirmation of compliance with the requirements of legislation in the field of seed and planting; *Certification Auditor (Agronomist-Inspector)* means an individual who has received a Certificate of Certification Auditor (agronomist inspector) and is included in the Register of Certification Auditors (Inspectors Agronomists).

In order to reduce the costs for seed and seedling producers, it is foreseen the recognition of a Certificate of seeds of the International Association for the Control of Quality of Seeds (ISTA) and a certificate of seeds of the Organization for Economic Cooperation and Development (OECD) in Ukraine, to which Ukraine has joined the seed system which cancels the necessity Re-certification (additional certification) in Ukraine.

In addition, the procedure and conditions for the issuance of confirmation for importing into Ukraine and the export of seeds and planting material samples have been specified. The mechanism for establishing liability for breaches in the market of seed and seedlings has been clarified. It will contribute to preventing the emergence and spread of low-quality and dangerous seeds and planting material.

Points 1.2, 1.3 – no amendments apply.

2. Cooperation in examination

Ukraine exchanged information on DUS-test field trial results for 2016 for botanical taxa. Ukraine used DUS-test reports from Bulgaria, Czech Republic, Spain, France, Hungary, Italy, Netherlands, Portugal, Romania, Russian Federation, and EU (CPVO), provided reports to Russia and Turkey.

Ukraine has practical experience and carries out DUS-test for 41 species. Number of species has decreased, compared with 2015.

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, 2 National Test Guidelines developed for the following species: *Physalis pubescens* L., *Paeonia delavayi* Franch.; *Paeonia jishanensis* T. Hong & W. Z. Zhao; *Paeonia ludlowii* (Stern & Taylor) D. Y. Hong; *Paeonia ostii* T. Hong & J. X. Zhang; *Paeonia qiui* Y. L. Pei & D. Y. Hong; *Paeonia rockii* (S. G. Haw & Lauener) T. Hong & J. J. Li ex D. Y. Hong; *Paeonia suffruticosa* Andrews.

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)
Plant Varieties Studying and Protection Print ISSN 2518-1017 Online ISSN 2518-7457 № 1 (30), 2 (31), 3 (32), 4 (33) 2016. 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	Ukraine, Italy, Mexico, Russian Federation
Bulletin "Plant Varieties Protection", № 1, № 2, № 3, № 4, 2016.	quarterly	Kiev, 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	Ukraine

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)
				Protection of New Varieties of Plants (UPOV)	
International Applied Research Conference "Genetic and varietal diversity of plants to improve the quality of life of humans", dedicated to the 25th anniversary of the National Genetic Bank of Ukraine	July 4-7, 2016	Kiev, Ukraine	Plant Production Institute nd. a. V. Ya. Yuryev of NAAS Ukrainian Institute for Plant Variety Examination	Coverage of topical issues related to genetic and world plant resource	Ukraine, Azerbaijan, Kazakhstan, Belarus, Russian Federation (115 participants)
II International Applied Research Conference on World Plant Resources: Current State and Development Prospects	November 3, 2016	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, Republic of Moldova, Belarus, Russian Federation (216 participants)

II. RELATED FIELDS OF ACTIVITIES OF INTEREST TO UPOV

Statistical data on plant variety protection in Ukraine during 2001-2016 is sent by email to UPOV along with this report.

[End of Annex XX and of document]