

Council**C/52/20****Fifty-Second Ordinary Session
Geneva, November 2, 2018****Original:** English
Date: November 2, 2018

REPORT*adopted by the Council*Opening of the session

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its fifty-second ordinary session in Geneva on November 2, 2018, chaired by Mr. Raimundo Lavignolle (Argentina), President of the Council.
2. The session was opened by the President who welcomed the participants.
3. The President reported the granting of observer status to Afghanistan and Nigeria in the Council.
4. The list of participants is reproduced in Annex I to this report.
5. On behalf of the Council, the President of the Council expressed his deepest condolences for the sad loss of Mr. Joël Guiard (France) who passed away suddenly in June 2018. He recalled that Joël was held in the highest regard in UPOV and his position as Chairman of the TC was a reflection of the esteem in which he was held by his fellow experts. In addition to being Chairman of the TC, Joël provided support, personally and through GEVES, as *Directeur adjoint* of GEVES, for a multitude of UPOV activities. His knowledge, intelligence and personality enabled him to become a focal point for new and old experts alike and he had been awarded a UPOV Gold Medal on the basis of his outstanding contribution to plant variety protection.

Adoption of the agenda

6. The Council adopted the revised draft agenda, as presented in document C/52/1 Rev.

Examination of the conformity of the Plant Variety Protection Act of Afghanistan with the 1991 Act of the UPOV Convention

7. The Council considered document C/52/19.
8. The Council decided to:
 - (a) take note of the analysis in document C/52/19;
 - (b) recommend that Afghanistan incorporate the amendments in the "Plant Variety Protection Act", as provided in document C/52/19, and recommend that, once the amendments have been incorporated in the Act, the amended Act be submitted to the Council for examination in conformity with Article 34(3) of the 1991 Act;
 - (c) request the Office of the Union to offer its assistance, at the earliest opportunity, to Afghanistan in drafting the necessary amendments to the Act;
 - (d) authorize the Secretary-General to inform the Government of Afghanistan of that decision.

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

9. The Council considered document C/52/17.

10. The Council noted the intervention by the representative of the Association for Plant Breeding for the Benefit of Society (APBEBES) concerning interrelations with the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and the ongoing work in UPOV to review first the FAQ and as next step, to consider the need for a revision of the current guidance in the “Explanatory Notes on Exceptions to the Breeder’s Right under the 1991 Act of the UPOV Convention” (document UPOV/EXN/EXC/1). The representative was of the view that the work on the revision of document UPOV/EXN/EXC/1 should start immediately, before the revision of the FAQ.

11. The Council noted the intervention by the Delegation of Nigeria in relation to the ongoing work in developing legislation on plant variety protection in accordance with the 1991 Act of the UPOV Convention and the intention of Nigeria to become a member of the Union.

12. Based on the recommendations of the Consultative Committee reported in document C/52/17, the Council decided:

(a) the use of UPOV PRISMA free of charge in 2019;

(b) to approve the organization of a “Seminar on the impact of policy on essentially derived varieties (EDVs) on breeding strategy”, which would be held on the morning of October 30, 2019 (see document CAJ/75/14 “Report”, paragraph 16); and

(c) to adopt the following text for an FAQ on the benefits of new varieties of plants for society:

Feeding the World

New varieties of plants are an essential and sustainable means of achieving food security in the context of population growth and climate change. The availability of an increasing choice of healthy, tasty and nutritious food at affordable prices relies on new varieties that are adapted to the environment in which they are grown and which provide a viable income for farmers.

Improving lives in rural and urban areas

In rural areas, innovation in agriculture and horticulture is important for economic development, with production of high value varieties of fruit, vegetables and ornamentals providing increased income for farmers and employment for millions of people around the world. At a time of increasing urbanization, new varieties support the development of urban agriculture and the growing of ornamental plants, shrubs and trees that contribute to improving the urban environment.

Respecting the natural environment

Improved yield, more efficient use of nutrients, resistance to plant pests and diseases, salt and drought tolerance and better adaptation to climatic stress are some of the features that enable new varieties to increase productivity and product quality in agriculture, horticulture and forestry, whilst minimizing the pressure on the natural environment.

13. The Council noted the work of the Consultative Committee at its ninety-fifth session, as reported in document C/52/17.

Adoption of documents

14. The Council considered documents C/52/14, TGP/5: Section 1/3 Draft 2, TGP/7/6 Draft 2, TGP/0/10 Draft 1, UPOV/INF/4/5 Draft 1, UPOV/INF/16/8 Draft 1, UPOV/INF/22/5 Draft 1 and UPOV/INF-EXN/12 Draft 1.

15. The Council considered the conclusions of the Technical Committee (TC) at its fifty-fourth session, held in Geneva on October 29 and 30, 2018 (see document TC/54/31 “Report”) and the conclusions of the

Administrative and Legal Committee (CAJ) at its seventy-fifth session, held in Geneva on October 31, 2018 (see document CAJ/75/14 "Report").

TGP documents

TGP/5: Experience and Cooperation in DUS Testing (Revision) (document TGP/5: Section 1/3 Draft 2)

16. The Council adopted a revision of document TGP/5 "Experience and Cooperation in DUS Testing", Section 1/2 "Model Administrative Agreement for International Cooperation in the Testing of Varieties" (document TGP/5: Section 1/3 Draft 2), on the basis of document TGP/5: Section 1/3 Draft 2.

TGP/7: Development of Test Guidelines (Revision) (document TGP/7/6 Draft 2)

17. The Council adopted a revision of document TGP/7 "Development of Test Guidelines" (document TGP/7/6), on the basis of document TGP/7/6 Draft 2.

TGP/0: List of TGP documents and latest issue dates (Revision) (document TGP/0/10 Draft 1)

18. The Council adopted a revision of document TGP/0 "List of TGP documents and latest issue dates" (document TGP/0/10) on the basis of document TGP/0/10 Draft 1.

Information documents

UPOV/INF/4: Financial Regulations and Rules of UPOV (Revision) (document UPOV/INF/4/5 Draft 1)

19. The Council adopted a revision of document UPOV/INF/4 "Financial Regulations and Rules of UPOV" (document UPOV/INF/4/5), on the basis of document UPOV/INF/4/5 Draft 1.

UPOV/INF/16: Exchangeable Software (Revision) (document UPOV/INF/16/8 Draft 1)

20. The Council adopted a revision of document UPOV/INF/16 "Exchangeable Software" (document UPOV/INF/16/8), on the basis of document UPOV/INF/16/8 Draft 1.

UPOV/INF/22: Software and Equipment Used by Members of the Union (Revision) (document UPOV/INF/22/5 Draft 1)

21. The Council adopted a revision of document UPOV/INF/22/4 "Software and equipment used by members of the Union" (document UPOV/INF/22/5), on the basis of document UPOV/INF/22/5 Draft 1.

UPOV/INF-EXN: List of UPOV/INF-EXN Documents and Latest Issue Dates (Revision) (document UPOV/INF-EXN/12 Draft 1)

22. The Council adopted a revision of document UPOV/INF-EXN/11 "List of INF-EXN Documents and Latest Issue Dates" (document UPOV/INF-EXN/12) on the basis of document UPOV/INF EXN/12 Draft 1.

Financial statements for 2017

23. The Council approved the Financial Statements for 2017, as presented in document C/52/12.

Report of the External Auditor

24. The Council noted the information contained in the Report of the External Auditor, as presented in document C/52/13, in conjunction with an oral report made by Mr. Didier Monnot, *Responsable de mandats, Contrôle fédéral des finances* (Switzerland).

25. The Council expressed its gratitude to the Government of Switzerland for acting as External Auditor since the establishment of UPOV.

Arrears in contributions as of September 30, 2018

26. The Council considered document C/52/11.

27. The Council noted the status of payment of contributions as of September 30, 2018. The Council noted the recent payment of Bolivia (Plurinational State of) concerning its 2017 contribution. The Council noted that due to recent payments, the African Intellectual Property Organization (OAPI), Costa Rica, Jordan and the United States of America had no arrears.

Financial Management Report for the 2016-2017 Biennium

28. The Council approved the Financial Management Report for the 2016-2017 Biennium, as presented in document C/52/12.

Annual report of the Secretary-General for 2017; Performance report for the 2016-2017 Biennium; Report on activities during the first nine months of 2018

29. The Council considered documents C/52/2, C/52/16 and C/52/3.

30. The Council noted the report of the Secretary-General on the activities of the Union in 2017 as provided in document C/52/2 and presented by the Secretary-General. The Council further noted the results and performance indicators for 2016-2017 Biennium, as provided in document C/52/16, and presented by the Vice Secretary-General.

31. The Council noted the report on activities during the first nine months of 2018 and provided in document C/52/3.

Progress report of the work of the Administrative and Legal Committee

32. The Council considered document C/52/9 and received an oral presentation by the Chair of the CAJ on the work of the seventy-fifth session of the CAJ, based on document CAJ/75/14 "Report".

33. The Council approved the work program for the seventy-sixth session of the CAJ, as provided in document CAJ/75/14, paragraph 74.

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

34. 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/52/10, and in the oral presentation made by the Office of the Union on the work of the fifty-fourth session of the TC, based on document TC/54/31 "Report".

35. The Council approved the work of the TC and the work programs of the TWPs and BMT reported to the Council, as provided in document TC/54/31.

Calendar of meetings in 2019

36. The Council considered document C/52/8 and the recommendation by the Consultative Committee at its ninety-fifth session, as reported in document C/52/17.

37. The Council approved the calendar of meetings in 2019, and the tentative dates for meetings in 2020 and 2021, as set out in document C/52/8, with the following changes:

Consultative Committee

CC/96 October 31
(Working Group on a Possible International System of Cooperation (WG-ISC/5):
October 30 (evening))

Administrative and Legal Committee

CAJ/76 October 30 (afternoon)
(Seminar on the impact of policy on essentially derived varieties (EDVs) on breeding
strategy: October 30 (morning))
(Working Group on Variety Denominations (WG-DEN/6): October 29 (evening))

Technical Working Party for Vegetables (TWV)

TWV/53 May 20 to 24, Republic of Korea
(Preparatory workshop on the morning of May 19)

Situation in the legislative, administrative and technical fields

Reports by representatives of members and observers

38. The Council noted the report by the Delegation of Oman on the “Workshop on strengthening the knowledge of effective implementation of the plant breeders’ rights system in the Sultanate of Oman”, held in Muscat, Oman, from October 9 to 11, 2018. It further noted the appreciation of the contributions of the Office of the Union and experts from the Czech Republic and the Netherlands to the success of the Workshop.

39. The Council noted the intervention by the representative of the African Regional Intellectual Property Organization (ARIPO), who thanked the Council for the extension of the observer status of ARIPO to the CAJ, TC and TWPs. He reported that the regulations for the implementation of the Arusha Protocol on Plant Variety Protection in the framework of ARIPO were adopted by the Administrative Council at its 41st Session that was held in Lilongwe, Malawi from November 20 to 22, 2017. He expressed the commitment of ARIPO to continue the fruitful cooperation with UPOV in relation to plant variety protection.

40. The Council noted the information provided in document C/52/15.

Cooperation in examination

41. The Council noted the information provided in document C/52/5. The Council requested the Office of the Union to collect information on the duration of protection in members of the Union for presentation at the next session.

List of the taxa protected by the members of the Union

42. The Council noted the information provided in document C/52/6.

Plant variety protection statistics for the period 2013-2017

43. The Council considered document C/52/7 Rev.

Press release

44. The Council approved the press release, as contained in document C/52/18.

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

Retirement

46. The President noted that Ms. Ana Luisa Díaz Jiménez (Colombia), former Seed Director of the Colombian Agricultural Institute (ICA), had recently retired. On behalf of the Council, the President expressed his thanks to Ms. Ana Luisa Díaz Jiménez for her contribution to the work of the Union and wished her a long and happy retirement.

47. The Council adopted this report at the close of its session on November 2, 2018.

[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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Ruixi HAN (Mr.), Fellow

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UPOV Press Release 118

Geneva, November 2, 2018

UPOV Council Holds its Annual Session

The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its fifty-second ordinary session on November 2, 2018.

Round-up of key developments:

Examination of the Law of Afghanistan

The Council recommended that Afghanistan incorporate certain amendments in the “Plant Variety Protection Act” and recommended that, once the amendments have been incorporated in the Act, the amended Act be submitted to the Council for examination.

Observers in UPOV bodies

Observer status was granted to:

- Afghanistan in the Council, the Administrative and Legal Committee, the Technical Committee and the Technical Working Parties;
- Nigeria in the Council, the Administrative and Legal Committee and the Technical Committee;
- the African Regional Intellectual Property Organization (ARIPO) in the Administrative and Legal Committee, the Technical Committee and the Technical Working Parties.

Adoption of documents

The Council adopted revised versions of the following documents:

UPOV/INF/16	Exchangeable Software
UPOV/INF/22	Software and Equipment Used by Members of the Union
UPOV/INF-EXN/11	List of UPOV/INF-EXN Documents and Latest Issue Dates
TGP/5 Section 1	Experience and Cooperation in DUS Testing: Model Administrative Agreement for International Cooperation in the Testing of Varieties
TGP/7	Development of Test Guidelines
TGP/0	List of TGP documents and latest issue dates

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

FAQ on the benefits of new varieties of plants for society

The Council adopted the following FAQ on the benefits of new varieties of plants for society:

Feeding the World

New varieties of plants are an essential and sustainable means of achieving food security in the context of population growth and climate change. The availability of an increasing choice of healthy, tasty and nutritious food at affordable prices relies on new varieties that are adapted to the environment in which they are grown and which provide a viable income for farmers.

Improving lives in rural and urban areas

In rural areas, innovation in agriculture and horticulture is important for economic development, with production of high value varieties of fruit, vegetables and ornamentals providing increased income for farmers and employment for millions of people around the world. At a time of increasing urbanization, new varieties support the development of urban agriculture and the growing of ornamental plants, shrubs and trees that contribute to improving the urban environment.

Respecting the natural environment

Improved yield, more efficient use of nutrients, resistance to plant pests and diseases, salt and drought tolerance and better adaptation to climatic stress are some of the features that enable new varieties to increase productivity and product quality in agriculture, horticulture and forestry, whilst minimizing the pressure on the natural environment.

UPOV PRISMA

The UPOV Council agreed to extend the introductory phase for UPOV PRISMA until December 2019, during which UPOV PRISMA will be free of charge.

UPOV PRISMA is an on-line, multi-lingual tool for making plant breeders' rights' applications in participating UPOV members. UPOV PRISMA currently has 30 participating UPOV members, covering 69 countries (see <http://www.upov.int/upovprisma/en/index.html>)

Cooperation in the Examination of New Plant Varieties

In 2017, 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 2,018 (2.4 percent increase).

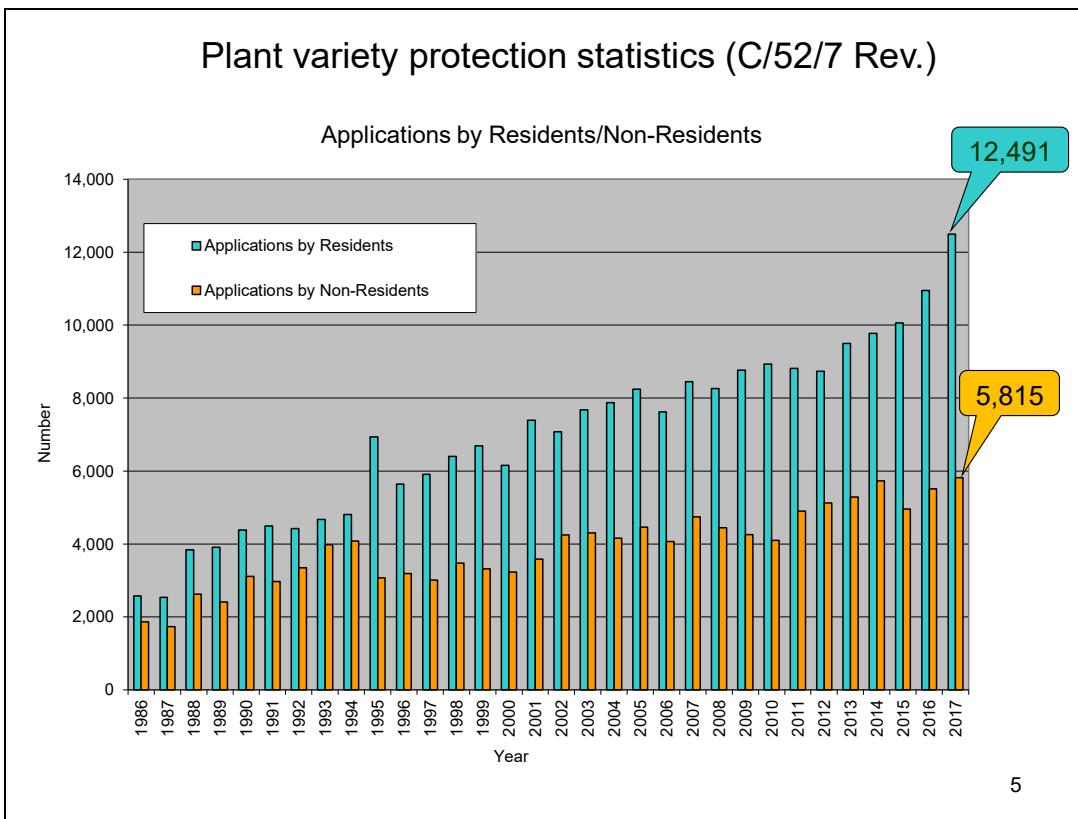
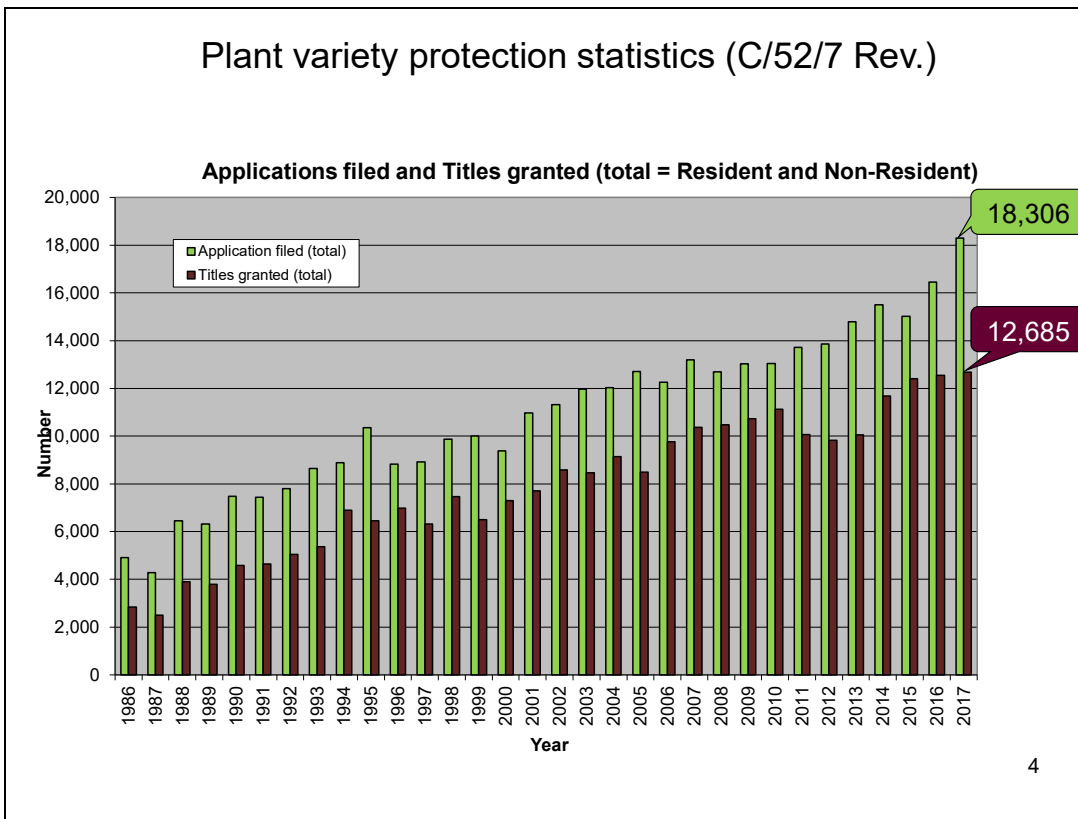
Plant Variety Protection Statistics

The number of applications for plant variety protection increased from 16,455 in 2016 to 18,306 in 2017 (11,2 percent increase).

The number of titles granted increased from 12,550 in 2016 to 12,685 in 2017 (1.5 percent increase).

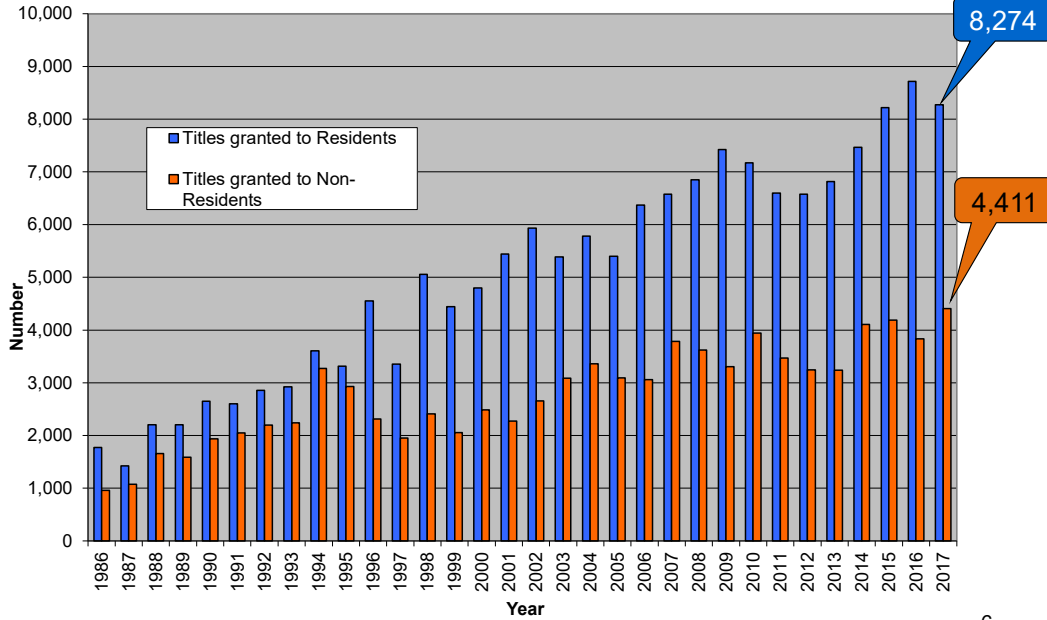
The total of 126,322 titles in force in 2017 represented a 4.6 percent increase on figures for 2016 (120,734).

The following graphs indicate trends in applications filed and titles granted since 1986. Information is also provided on the 10 members of the Union receiving the largest number of applications in 2007, 2016 and 2017 and an analysis of applications by residence of breeders for the same years:

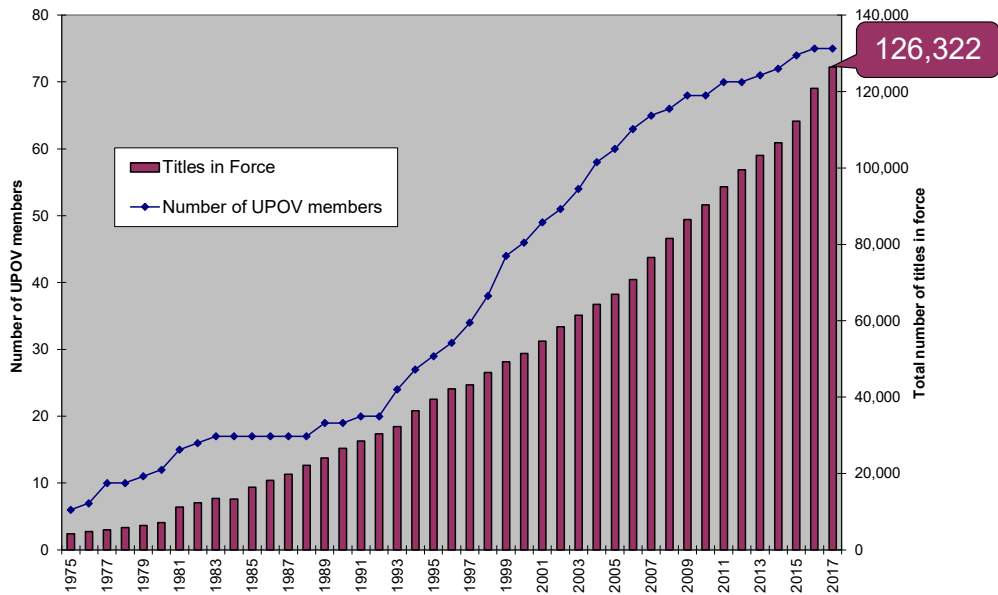


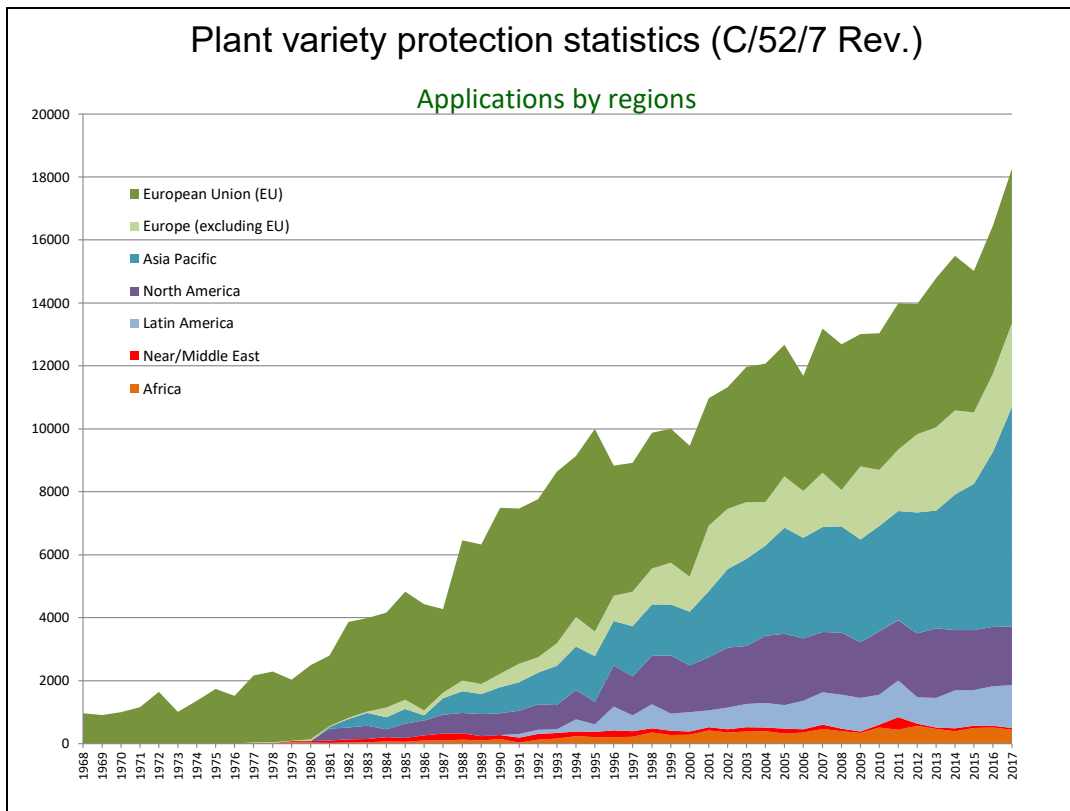
Plant variety protection statistics (C/52/7 Rev.)

Titles granted: Residents/Non-Residents



Plant variety protection statistics (C/52/7 Rev.)

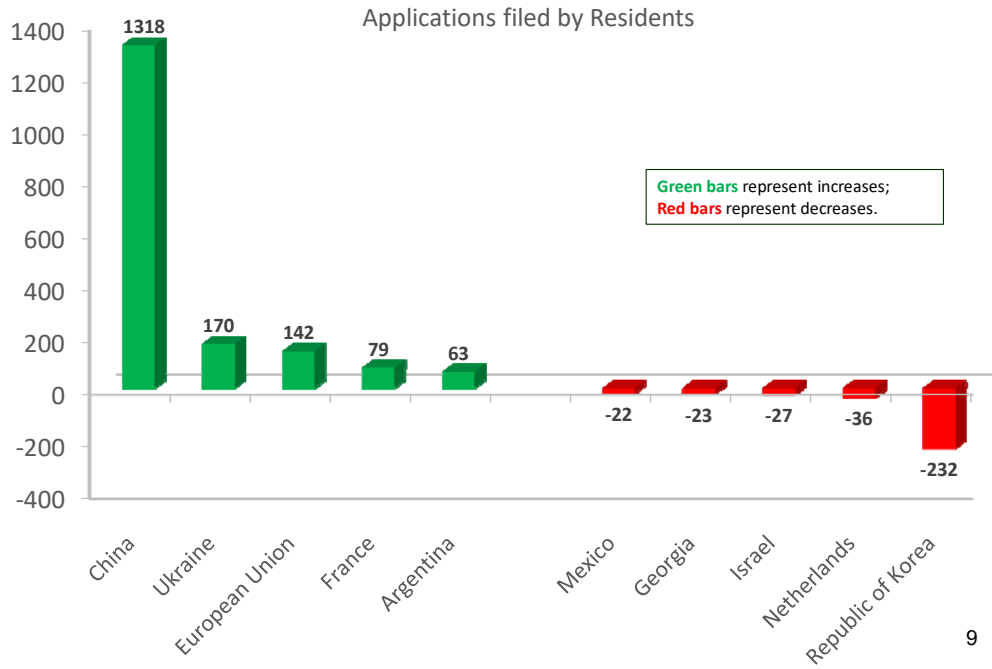




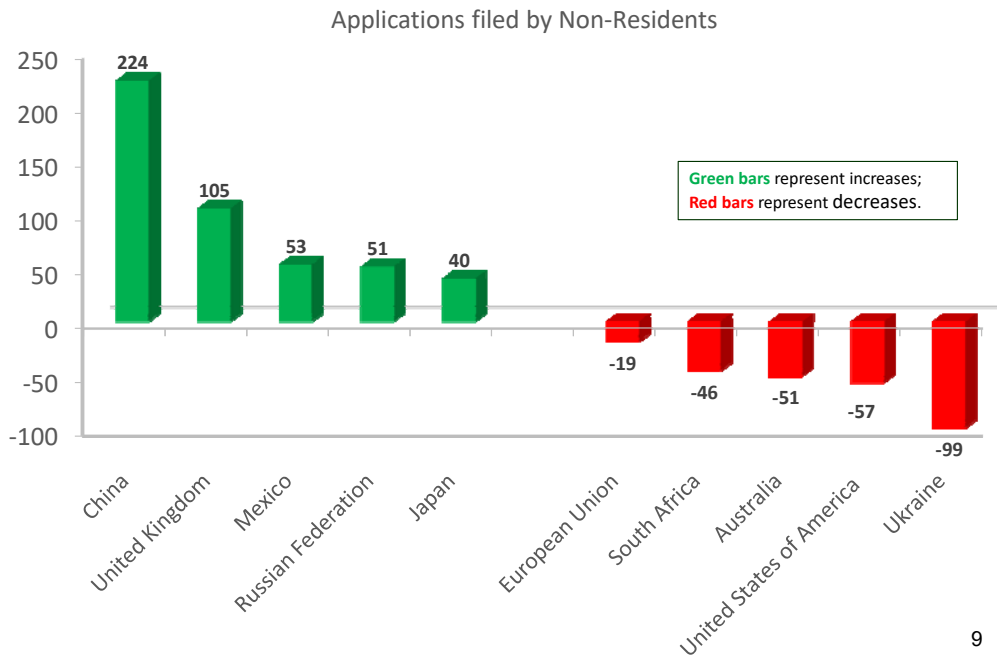
Top 10: UPOV members by number of applications

Rank	2007		2016		2017	
	Member	Number of applications	Member	Number of applications	Member	Number of applications
1	European Union	2,968	European Union	3,299	China	4,465
2	United States of America	1,485	China	2,923	European Union	3,422
3	Japan	1,406	United States of America	1,604	United States of America	1,557
4	Russian Federation	885	Ukraine	1,274	Ukraine	1,345
5	China	877	Japan	977	Japan	1,019
6	Netherlands	846	Republic of Korea	966	Russian Federation	807
7	Ukraine	560	Netherlands	804	Netherlands	763
8	Republic of Korea	527	Russian Federation	772	Republic of Korea	748
9	Canada	430	Australia	387	Australia	343
10	Australia	336	Brazil	326	Brazil	339

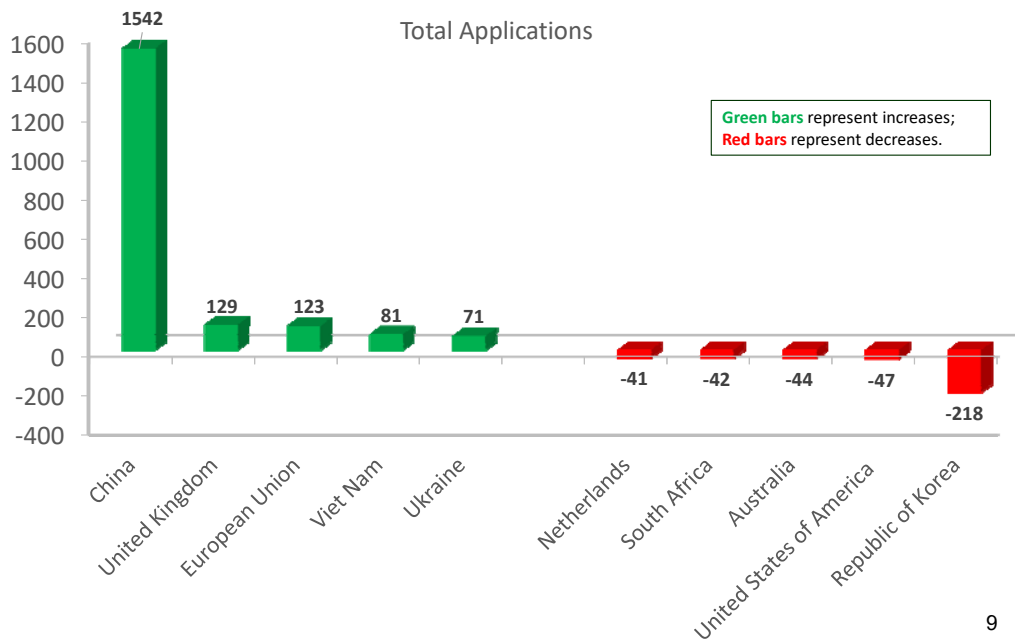
Largest increases/decreases in numbers of applications in 2017 (compared with 2016)



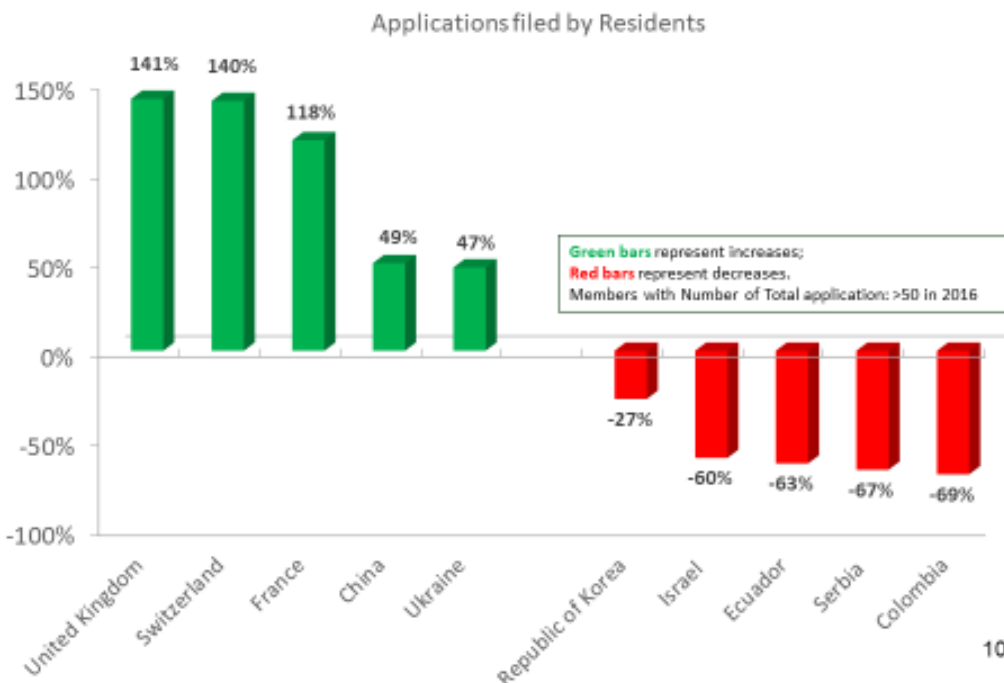
Largest increases/decreases in numbers of applications in 2017 (compared with 2016)

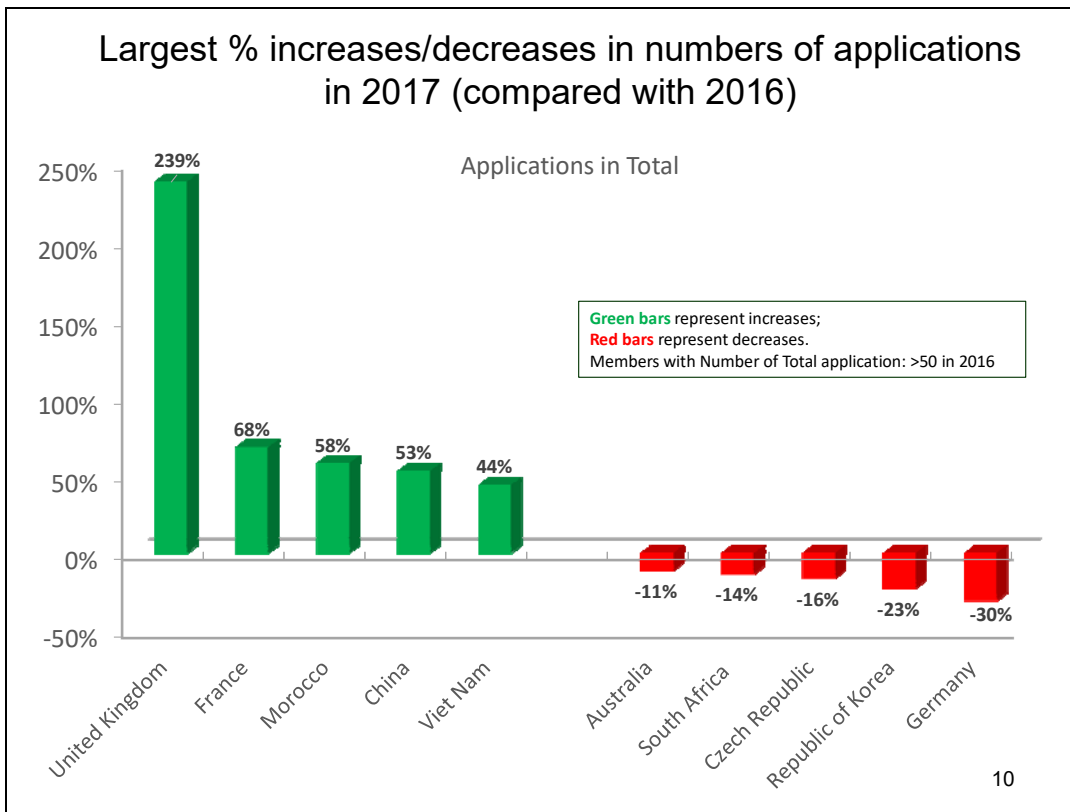
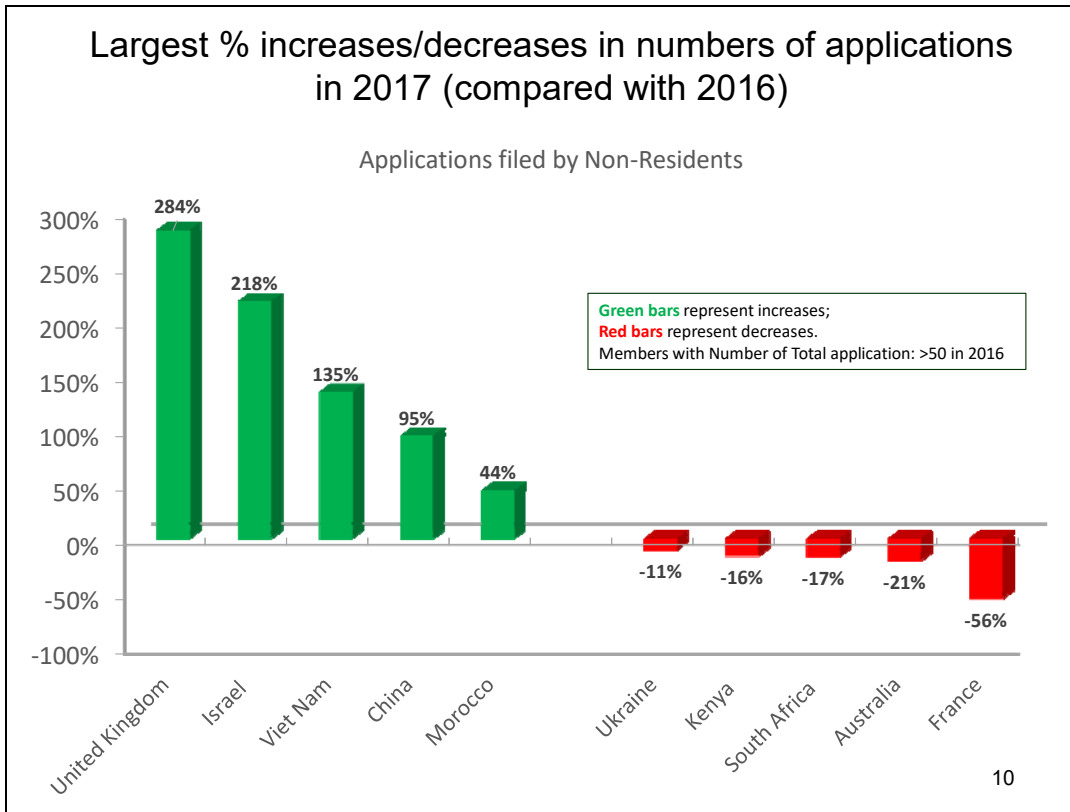


Largest increases/decreases in numbers of applications in 2017 (compared with 2016)



Largest % increases/decreases in numbers of applications in 2017 (compared with 2016)





Top 10: UPOV members by number of titles issued

Rank	2007		2016		2017	
	Member	Number of titles issued	Member	Number of titles issued	Member	Number of titles issued
1	European Union	2,616	European Union	2,980	European Union	2,865
2	United States of America	1,374	China ↑2	2,132	China	1,646
3	Japan	1,338	United States of America ↓1	1,703	United States of America	1,604
4	China	596	Japan ↓1	914	Ukraine	887
5	Ukraine	555	Republic of Korea ↑3	834	Japan ↓1	812
6	Canada	442	Russian Federation ↑1	592	Netherlands ↑1	672
7	Russian Federation	431	Netherlands ↑2	588	Russian Federation ↓1	641
8	Republic of Korea	424	Brazil ↑5	301	Republic of Korea ↓3	541
9	Netherlands	366	South Africa ↑1	247	Brazil ↓1	327
10	South Africa	225	France ↑13	200	Australia ↑3	244

Note: In 2016, Ukraine did not report number of titles issued.

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Top 20: Country of residence of applicants (2017)

Rank	Country of residence of breeder	Applications filed as:				
		Resident			Non-resident	Total
		Resident	CPVO (EU member States)	Total		
1	China	4,004	0	4,004	37	4,041
2	Netherlands	638	1,349	1,987	1,333	3,320
3	United States of America	822	0	822	1,262	2,084
4	France	146	449	595	473	1,068
5	Germany	32	328	360	505	865
6	Japan	611	0	611	254	865
7	Republic of Korea	628	0	628	15	643
8	Russian Federation	597	0	597	4	601
9	Ukraine	534	0	534	4	538
10	Switzerland	12	0	12	311	323
11	Australia	147	0	147	154	301
12	Argentina	234	0	234	55	289
13	Italy	5	106	111	132	243
14	United Kingdom	41	63	104	132	236
15	Brazil	200	0	200	25	225
16	Denmark	5	139	144	75	219
17	Viet Nam	212	0	212	0	212
18	Spain	0	116	116	90	206
19	Israel	18	0	18	145	163
20	Belgium	3	121	124	35	159
Sum of top 20		8,889	2,671	11,560	5,041	16,601
Others		839	93	932	653	1,585
Total		9,728	2,764	12,492	5,694	18,186

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Top 20: Country of residence of applicants

Rank	2007		2016		2017	
	Residence	App. #	Residence	App. #	Residence	App. #
1	Netherlands	2,600	Netherlands	3,129	China	4,041
2	United States of America	1,764	China	2,720	Netherlands	3,320
3	Germany	1,336	United States of America	2,035	United States of America	2,084
4	Japan	1,283	France	1,050	France	1,068
5	China	818	Germany	934	Germany	865
6	Russian Federation	777	Republic of Korea	886	Japan	865
7	France	621	Japan	761	Republic of Korea	643
8	Republic of Korea	388	Russian Federation	614	Russian Federation	601
9	Ukraine	318	Ukraine	364	Ukraine	538
10	Australia	314	Australia	316	Switzerland	323
11	United Kingdom	253	Switzerland	312	Australia	301
12	Argentina	243	Brazil	271	Argentina	289
13	Denmark	225	Denmark	254	Italy	243
14	Italy	193	Argentina	233	United Kingdom	236
15	Spain	181	United Kingdom	220	Brazil	225
16	Switzerland	178	Spain	199	Denmark	219
17	New Zealand	176	Italy	199	Viet Nam	212
18	Israel	174	Israel	186	Spain	206
19	South Africa	144	Czech Republic	164	Israel	163
20	Brazil	121	Viet Nam	162	Belgium	159

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Background

UPOV is an intergovernmental organization based in Geneva, with 75 members, covering 94 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), Bosnia and Herzegovina, 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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[End of Annex II and of document]