

Council**C/57/17****Fifty- Seventh Ordinary Session
Geneva, October 27, 2023****Original:** English
Date: October 27, 2023**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-seventh ordinary session in Geneva on October 27, 2023, chaired by Mr. Yehan Cui (China), President of the Council.
2. The session was opened by the President who welcomed the participants. The list of participants is reproduced in Annex I to this report.
3. The President reported that Rwanda has been granted observer status in the Council.
4. The President introduced Ms. Yolanda Huerta, who was appointed to the post of Vice Secretary-General, on October 23, 2023, Mr. Martin Ekvad, appointed Director of Legal Affairs and Mr. Leontino Taveira, appointed Director of Global Development and Technical Affairs, on October 15, 2023.
5. Mr. Daren Tang, Secretary-General, welcomed the participants. A copy of the Secretary-General's remarks is reproduced in Annex III, Appendix I to this report.

Adoption of the agenda

6. The Council adopted the revised draft agenda, as presented in document C/57/1 Rev..

Report by the Vice Secretary-General on developments in UPOV

7. The Council received a presentation from the Vice Secretary-General and noted that a copy of the presentation would be made available after the UPOV sessions on the UPOV website.
8. The Council welcomed that Ghana had expressed its commitment to join UPOV e-PVP, at the one hundredth and first session of the Consultative Committee.
9. The Council welcomed the expressions of commitment from Canada, the European Union and the Netherlands (Kingdom of) to join the UPOV e-PVP DUS Report Exchange Module.
10. The Council noted the intervention by the Delegation of the United Kingdom that it had the intention to join UPOV e PVP and planned to launch UPOV e-PVP in March 2024.

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

11. The Council considered document C/57/15.
12. The Council noted the intervention by the Association for Plant Breeding for the Benefit of Society (APBRES), and in particular, the reference to a "Comparative Study of the Nagoya Protocol, the Plant Treaty and the UPOV Convention: The Interface of Access and Benefit Sharing and Plant Variety Protection" done by the Centre for International Sustainable Development Law. The representative was of the view that

the last paragraph of the FAQ on CBD, ITPGRFA and UPOV, contained in document C/57/15, was not in accordance with the following part of the study “Sui generis PVP systems adopted outside of the UPOV Convention framework – as permitted by TRIPS – may provide a way to better balance rights and obligations relating to the Nagoya Protocol, Plant Treaty, and PVP” and suggested its deletion.

13. Based on the recommendation of the Consultative Committee, reported in document C/57/15, the Council approved the following FAQ on CBD, ITPGRFA and UPOV:

Complementarity between the UPOV Convention, the Convention on Biological Diversity (CBD) and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

Aims and objectives

Biological diversity or ‘biodiversity’ is the term used to describe the variety of all living organisms and includes diversity within species, between species and of ecosystems. Biodiversity underpins all human activity, notably including agriculture and, therefore, food security.

The Convention on Biological Diversity (CBD) has three objectives: the conservation of biodiversity, the sustainable use of the components of biodiversity and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. A supplementary agreement to the CBD, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from the Utilization elaborates on the Convention’s provisions on access to genetic resources, traditional knowledge and benefit-sharing in order to contribute to the conservation and sustainable use of biodiversity.

The objectives of the International Treaty on Plant Genetic Resources for Food and Agriculture are the conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of the benefits arising out of their use, in harmony with the Convention on Biological Diversity, for sustainable agriculture and food security. The International Treaty relates to plant genetic resources for food and agriculture.

The Treaty aims at: recognizing the enormous contributions of farmers to diversity of crops that feed the world; establishing a global system to provide farmers, plant breeders and scientists with access to plant genetic materials; ensuring that recipients share benefits they derive from the use of these genetic materials.

UPOV’s mission 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.

Synergies between biodiversity, sustainable agriculture and plant breeding

Conservation of biodiversity depends on sustainable agriculture and a halt or reversal to the expansion of agricultural land, while there are parallel demands on agricultural land for food and energy production. This means that there is a need to produce more from existing agricultural land, in a sustainable way. Conversely, sustainable agriculture is dependent on the conservation and sustainable use of biodiversity, in particular by ensuring healthy soils and thriving populations of pollinators to achieve fertile crops, among other things.

By encouraging the development of new varieties of plants, the UPOV system encourages the sustainable use of biodiversity while creating new genetic diversity. New plant varieties with improved yield, more efficient use of nutrients, resistance to plant pests and diseases, salt and drought tolerance and better adaptation to climatic stress, according to the needs and preferences of farmers and consumers, can sustainably increase productivity and product quality in agriculture, horticulture and forestry. These attributes can reduce the pressure on the natural environment and biodiversity by reducing the need for inputs while reducing the area of land needed for agriculture. Plant breeding sustainably uses biological diversity and relies on the conservation of biodiversity to develop new varieties that deliver substantial benefits for farmers and society as a whole. The critical importance of biodiversity to agriculture is recognized in the CBD and the Nagoya Protocol acknowledges the importance of genetic resources for food and agriculture and their special role for food security. The recognition of the importance of crop and genetic diversity for sustainable agriculture and food security is central to the objectives of the ITPGRFA.

Benefits arising from the utilization of genetic resources

By encouraging plant breeding, the UPOV system incentivizes the generation of benefits arising out of the utilization of genetic resources. In addition, the “breeder’s exemption” in the UPOV Convention enables plant diversity in the form of protected plant varieties to be available for further breeding activities because acts done using such varieties for the purpose of breeding other varieties are not subject to any restriction by the breeder. This reflects the fact that access to protected varieties contributes to sustaining greatest progress in plant breeding and, thereby, to maximize the use of genetic resources for the benefit of society.

The CBD, Nagoya Protocol and ITPGRFA establish the requirements and mechanisms for the sharing of benefits arising out of the utilization of genetic resources. In relation to the breeder's exemption, a recipient of material from the Multilateral System of the ITPGRFA who commercializes a product that is available without restriction to others for further research and breeding is not obliged but it is encouraged to contribute to the benefit sharing fund of the ITPGRFA.

Legislation in Contracting Parties

International cooperation, as well as coherence in the relevant legislative, administrative and policy measures concerning the CBD, ITPGRFA and the UPOV Convention, in the Contracting Parties concerned, is beneficial for achieving the desired outcomes of those treaties, notably in relation to sustainable agriculture and food security in the context of climate change and land degradation as well as the conservation of biodiversity, access to genetic resources and the sharing of benefits from their utilization.

14. The Council noted the work of the Consultative Committee at its hundred and first session, as reported in document C/57/15.

Adoption of documents

15. The Council considered document SESSIONS/2023/2 in conjunction with the conclusions of the Technical Committee (TC) at its fifty-ninth session, held in Geneva on October 23 and 24, 2023 (see document TC/59/28 "Report") and the conclusions of the Administrative and Legal Committee (CAJ) at its eightieth session, held in Geneva on October 25, 2023 (see document CAJ/80/6 "Report").

Information Materials

UPOV/INF/16: Exchangeable Software (Revision) (document UPOV/INF/16/12 Draft 1)

16. The Council noted that the TC and the CAJ had approved the revision of document UPOV/INF/16/11 "Exchangeable Software", on the basis of document UPOV/INF/16/12 Draft 1.

17. The Council adopted the proposed revisions to document UPOV/INF/16/11 "Exchangeable Software", on the basis of document UPOV/INF/16/12 Draft 1.

UPOV/INF/22: Software and Equipment Used by Members of the Union (Revision) (document UPOV/INF/22/10 Draft 1)

18. The Council noted that the TC and the CAJ had approved the revision of document UPOV/INF/22/9 "Software and equipment used by members of the Union", on the basis of document UPOV/INF/22/10 Draft 1.

19. The Council adopted the proposed revisions to document UPOV/INF/22/9 "Software and equipment used by members of the Union", on the basis of document UPOV/INF/22/10 Draft 1.

UPOV/INF/23: UPOV Code System (Revision) (document UPOV/INF/23/2 Draft 1)

20. The Council noted that the TC and the CAJ had approved the revision of document UPOV/INF/23/1 "Guide to the UPOV Code System", on the basis of document UPOV/INF/23/2 Draft 1.

21. The Council adopted the proposed revisions to document UPOV/INF/23/1 "Guide to the UPOV Code System", on the basis of document UPOV/INF/23/2 Draft 1.

UPOV/INF-EXN: List of UPOV/INF-EXN Documents and Latest Issue Dates (Revision) (document UPOV/INF-EXN/17 Draft 1)

22. The Council adopted the proposed revisions to document UPOV/INF-EXN: "List of UPOV/INF-EXN Documents and Latest Issue Dates", on the basis of document UPOV/INF-EXN/17 Draft 1.

Explanatory Notes:

UPOV/EXN/EDV: Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention (Revision) (documents SESSIONS/2023/2 and UPOV/EXN/EDV/3 Draft 4)

23. The representative of the International Community of Breeders of Asexually Reproduced Horticultural Plants (CIOPORA), on behalf of the breeders' organizations with observer status in the Council, welcomed the

proposed revision in document UPOV/EXN/EDV/3 Draft 4, for the main reason that in the breeders' view it was now clear that it was no longer a precondition for an essentially derived variety to retain all essential characteristics of the initial variety.

24. The Council adopted the proposed revision to document UPOV/EXN/EDV/2 "Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention", on the basis of document UPOV/EXN/EDV/3 Draft 4.

25. The Council agreed to add, as a standing item on the CAJ agenda, "Updates from UPOV members and observers relating to the implementation of the concept of essentially derived varieties". Based on relevant updates, the Council noted that the CAJ would advise on whether it would be appropriate to develop further guidance on essentially derived varieties.

UPOV/EXN/DEN: Explanatory Notes on Variety Denominations under the UPOV Convention (Revision) (Annex I to document SESSIONS/2023/2)

26. The Council noted that the TC, at its fifty-ninth session, had not approved the proposal for *Prunus*, which would be considered by the Technical Working Parties (TWPs), at their sessions in 2024.

27. The Council noted that the TC and the CAJ had approved the revision of document UPOV/EXN/DEN/1 "Explanatory Notes on Variety Denominations under the UPOV Convention", on the basis of the proposed amendments presented in Annex I to document SESSIONS/2023/2, Proposals 1 (*Allium*) and 3 (*Beta*).

28. The Council adopted the proposed revisions to document UPOV/EXN/DEN/1 "Explanatory Notes on Variety Denominations under the UPOV Convention", on the basis of the proposed amendments presented in Annex I to document SESSIONS/2023/2, Proposals 1 (*Allium*) and 3 (*Beta*).

TGP Documents

TGP/7: Development of Test Guidelines (Revision)

Converting standard Test Guidelines wording into optional wording (Annex II to document SESSION/2023/2)

29. The Council considered Annex II to document SESSION/2023/2.

30. The Council noted that the CAJ had approved to adopt a revision of document TGP/7 "Development of Test Guidelines", on the basis of the proposed amendments presented in Annex II to document SESSION/2023/2.

31. The Council adopted a revision of document TGP/7 "Development of Test Guidelines", on the basis of the proposed amendments presented in Annex II to document SESSION/2023/2.

Disease resistance characteristics: addition of state of expression and placement of non-asterisked disease resistance characteristics in Section 5 of the Technical Questionnaire (Annex II to document SESSIONS/2023/2)

32. The Council noted that the TC and the CAJ had agreed to the revision of document TGP/7 "Development of Test Guidelines", GN 13, paragraph 3.6, on the basis of the proposed amendments presented in Annex II to document SESSIONS/2023/2.

33. The Council adopted the proposed revisions to document TGP/7 "Development of Test Guidelines", GN 13, paragraph 3.6, on the basis of the proposed amendments set out in Annex II to document SESSIONS/2023/2.

TGP/12: Guidance on Certain Physiological Characteristics (Revision):

Example disease resistance characteristic (Annex IV to document SESSIONS/2023/2)

34. The Council noted that the TC and the CAJ had agreed to the revision of document TGP/12 "Guidance on certain physiological characteristics", Section 2.3.2, as presented in Annex IV, paragraph 3, to document SESSIONS/2023/2.

35. The Council adopted the proposed revisions to document TGP/12 “Guidance on certain physiological characteristics”, Section 2.3.2, as presented in Annex IV, paragraph 3, to document SESSIONS/2023/2.

TGP/14: Glossary of Terms Used in UPOV Documents (Revision)
(document SESSIONS/2023/2)

36. The Council considered paragraph 30 of document SESSION/2023/2.

37. The Council noted that the CAJ had approved the revision of document TGP/14 “Glossary of Terms Used in UPOV Documents”, on the basis of the correction as presented in paragraph 30 of document SESSION/2023/2.

38. The Council adopted the proposed revisions to document TGP/14 “Glossary of Terms Used in UPOV Documents”, on the basis of the correction as presented in paragraph 30 of document SESSION/2023/2.

Financial statements for 2022

39. The Council approved the Financial Statements for 2022, as presented in document C/57/9.

Performance Report for 2022

40. The Council noted the UPOV Performance Report 2022 contained in document C/57/2.

Report of the External Auditor

41. The Council considered document C/57/10.

42. The Council noted the information contained in the Report of the External Auditor, as presented in document C/57/10, in conjunction with an oral report made by Mr. Pete Cassidy, National Audit Office, United Kingdom.

43. The Council noted that, in relation to the Recommendation of the External Auditor that “UPOV regularly consult with its Members on the costs and benefits of continued alignment with the full provisions of the Staff Regulations and Staff Rules of WIPO and the associated UN common system entitlements to ensure that it provides best value for the Union”, the Consultative Committee, at its hundred and first session, had agreed, for cost efficiency purposes, to continue the alignment of UPOV with the full provisions of the Staff Regulations and Staff Rules of WIPO and the associated UN common system entitlements.

44. The Council expressed its gratitude to the National Audit Office of the United Kingdom for acting as External Auditor of the UPOV accounts.

Appointment of the External Auditor

45. The Council considered document C/57/14.

46. The Council noted the developments concerning the consultations by the Office of the Union with the United Kingdom and Switzerland, in accordance with the decision of the Council of 2022, concerning the procedure for the appointment of the External Auditor of UPOV.

47. The Council noted that, as a result of those consultations, the Auditor General of Switzerland has agreed to be designated by the Council, as External Auditor of UPOV, for one year, starting from January 2024 to December 2024.

48. The Council designated Switzerland, with its agreement, as External Auditor of UPOV, for one year, starting from January 2024 to December 2024.

49. The Council noted that all members of the Union would be part of future consultations for a proposal for the appointment of the External Auditor for UPOV.

Arrears in contributions as of September 30, 2023

50. The Council considered document C/57/11.

51. In reply to a question by the Delegation of Belarus, the Council noted the explanation by the Office of the Union that the UPOV Convention provided as follows in relation to members of the Union in arrears (Article 29(5)):

“(5) [Arrears in contributions] (a) A State member of the Union which is in arrears in the payment of its contributions may not, subject to subparagraph (b), exercise its right to vote in the Council if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding full year. The suspension of the right to vote shall not relieve such State member of the Union of its obligations under this Convention and shall not deprive it of any other rights thereunder.

“(b) The Council may allow the said State member of the Union to continue to exercise its right to vote if, and as long as, the Council is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.”

52. The Council noted the status of payment of contributions as of September 30, 2023, and noted that due to recent payments, Jordan and Viet Nam had no arrears.

Draft Program and Budget for the 2024-2025 Biennium

53. The Council considered document C/57/4.

54. The Council approved the Draft Program and Budget of the Union for the 2024 2025 Biennium, as presented in the Annex to document C/57/4, including:

- (i) the amount of contributions from members of the Union;
- (ii) the proposed maximum ceiling of expenditure in the regular budget being 7,901,307 Swiss francs or the income received in the biennium, whichever is the lower; and
- (iii) the total number of posts.

Program of meetings

Approval of work programs for the Administrative and Legal Committee, the Technical Committee and the Technical Working Parties

55. The Council considered document C/57/12 and received an oral presentation by the Chair of the CAJ, on the work of the eightieth session of the CAJ, based on document CAJ/80/6 “Report”.

56. The Council approved the work program for the eighty-first session of the CAJ, as presented in the report of the eightieth session of the CAJ (see document CAJ/80/6 “Report”, paragraph 44), with the addition of the following item in the agenda for its eighty-first session: “Updates from UPOV members and observers relating to the implementation of the concept of essentially derived varieties”.

57. The Council noted the work of the Technical Committee (TC) and of the Technical Working Parties (TWPs), and the oral presentation made by the Chair of the TC on the work of the fifty-ninth session of the TC, based on document TC/59/28 “Report”.

58. The Council approved the work of the TC and the work programs of the TWPs as provided in document TC/59/28 “Report”.

Calendar of meetings in 2023

59. The Council considered document C/57/8 and the recommendation by the Consultative Committee at its one hundred and first session, as reported in document C/57/8.

60. The Council approved the calendar of meetings in 2024, and the tentative dates for meetings in 2025 and 2026, as set out in document C/57/8, with the following changes:

JANUARY 2024

Monday, 15

TC-EDC (virtual meeting) (at 9 pm (Geneva time))

Wednesday, 17

TC-EDC (virtual meeting) (at 11 am (Geneva time))

MARCH 2024

Tuesday, 19 and Wednesday, 20

TC-EDC (virtual meeting) (time to be defined)

~~Wednesday, 13~~ Monday, 18

EAM/3 (hybrid meeting)

Thursday, 21

WG-HRV/5 (hybrid meeting)

Friday, 22

WG-SHF/5 (hybrid meeting)

OCTOBER 2024

Monday, 21 (evening)

TC-EDC (hybrid meeting)

Election of new Chairpersons

61. The Council elected, in each case for a term of three years ending with the sixtieth ordinary session of the Council, in 2026:

- (a) Mr. Ľubomir Basta (Slovakia) as Chairperson of the Technical Working Party for Agricultural Crops (TWA);
- (b) Ms. Carole Dirwimmer (France) as Chairperson of the Technical Working Party for Fruit Crops (TWF);
- (c) Ms. Nuria Urquía Fernández (Spain) as Chairperson of the Technical Working Party on Testing Methods and Techniques (TWM);
- (d) Ms. Hilary Papworth (United Kingdom) as Chairperson of the Technical Working Party for Ornamental Plants and Forest Trees (TWO); and
- (e) Mr. Yoshiyuki Ohno (Japan) as Chairperson of the Technical Working Party for Vegetables (TWW).

Matters for information:

62. The Council noted the following documents under item 14 "Matters for information", which had been posted for information on the C/57 webpage:

- (a) Report on activities during the first nine months of 2023 (document C/57/3)
- (b) Situation in the legislative, administrative and technical fields:
 - (i) Reports by representatives of members and observers (document C/57/13)
 - (ii) Cooperation in examination (document C/57/5); List of the taxa protected by the members of the Union (document C/57/6); Plant variety protection statistics for the period 2018-2022 (document C/57/7)

63. The Council noted the oral presentation made by the Office of the Union concerning information contained in documents C/57/5 "Cooperation in examination" and C/57/6 "List of Taxa protected and PVP statistics" (see Annex II to this report).

Press release

64. The Council considered the draft press release, as contained in document C/57/16.

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

66. In recognition of his outstanding contribution to UPOV, the Secretary-General awarded a UPOV gold medal to Mr. Peter Button, the former Vice Secretary-General of UPOV from September 1, 2000, to October 22, 2023.

67. This report was adopted by the Council at the close of its session, on October 27, 2023.

[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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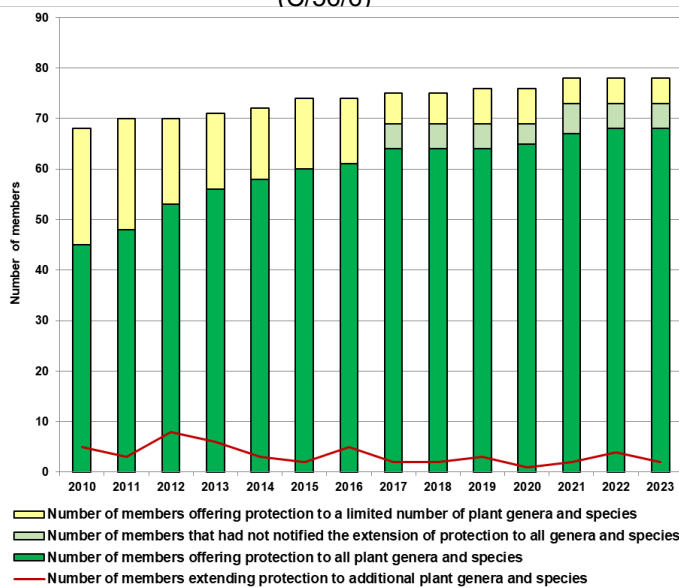
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PRESENTATION MADE BY THE OFFICE OF THE UNION CONCERNING INFORMATION CONTAINED IN DOCUMENTS C/57/5 "COOPERATION IN EXAMINATION", C/57/6 "LIST OF TAXA PROTECTED AND PVP STATISTICS" AND C/57/7 "PLANT VARIETY PROTECTION STATISTICS FOR THE PERIOD 2018-2022"

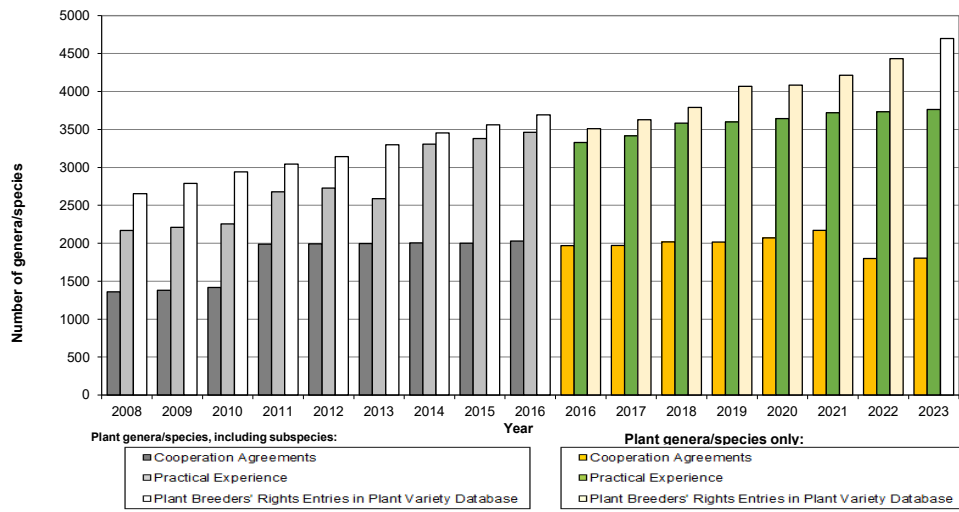
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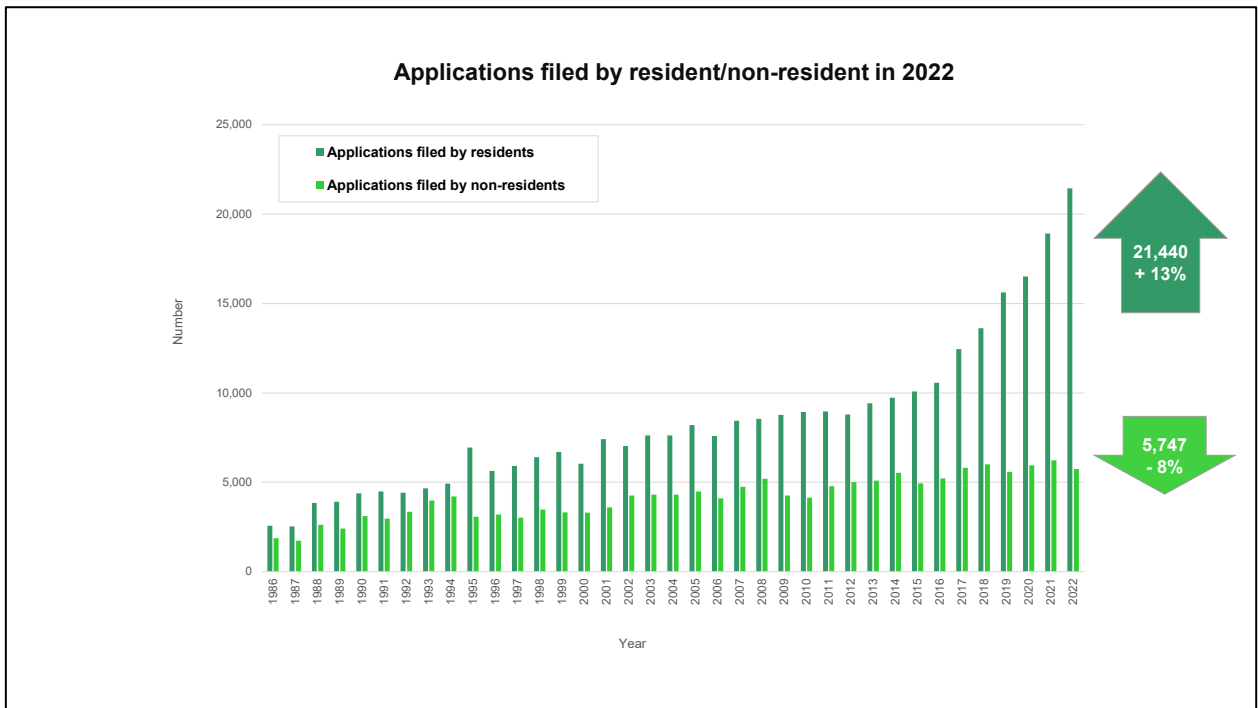
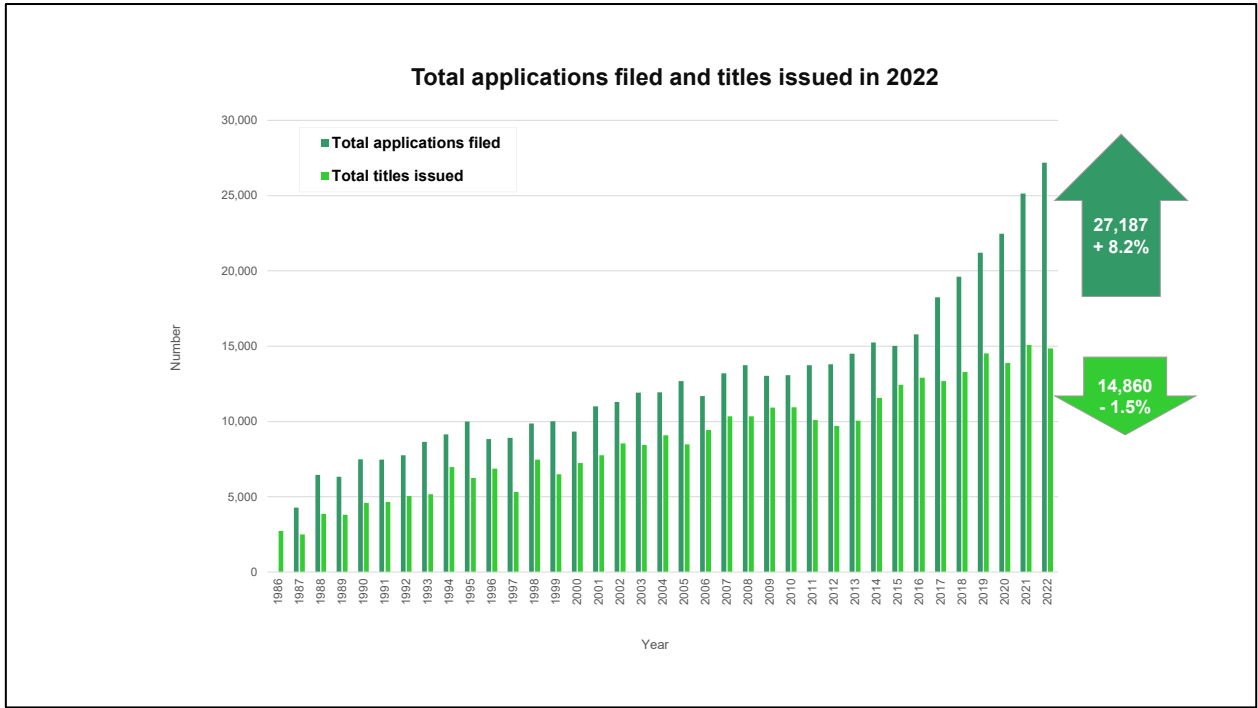
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(C/56/6)

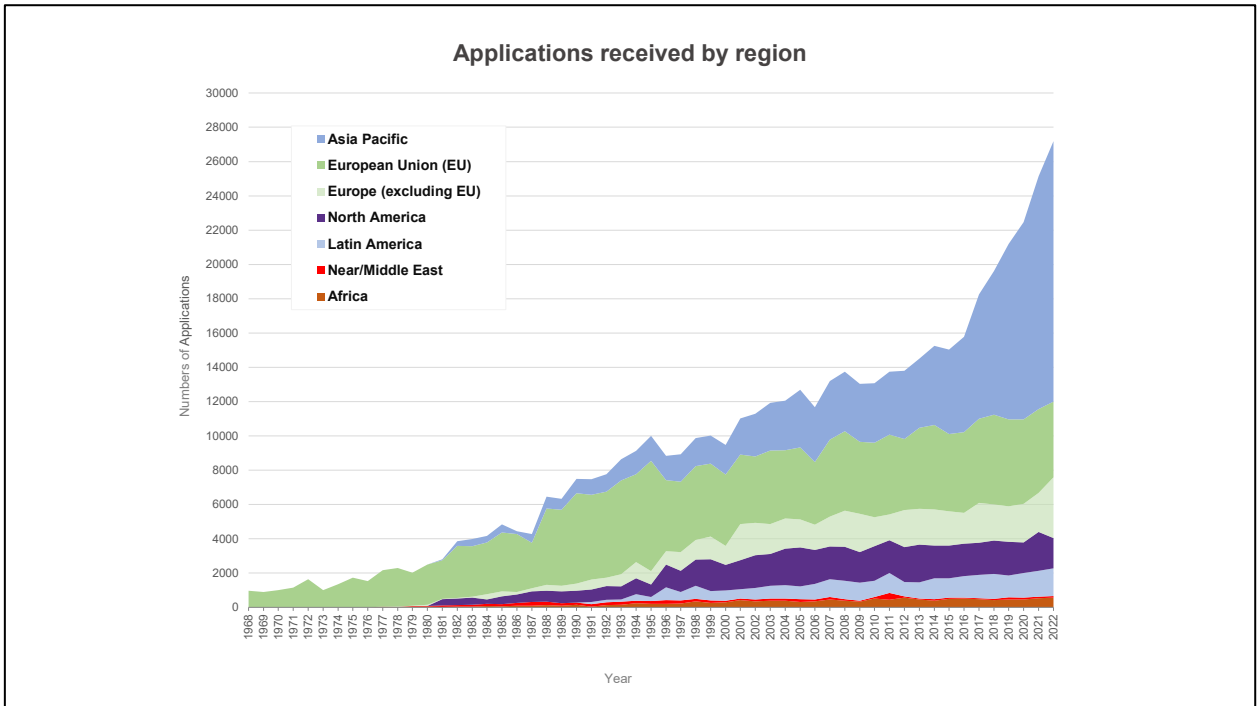
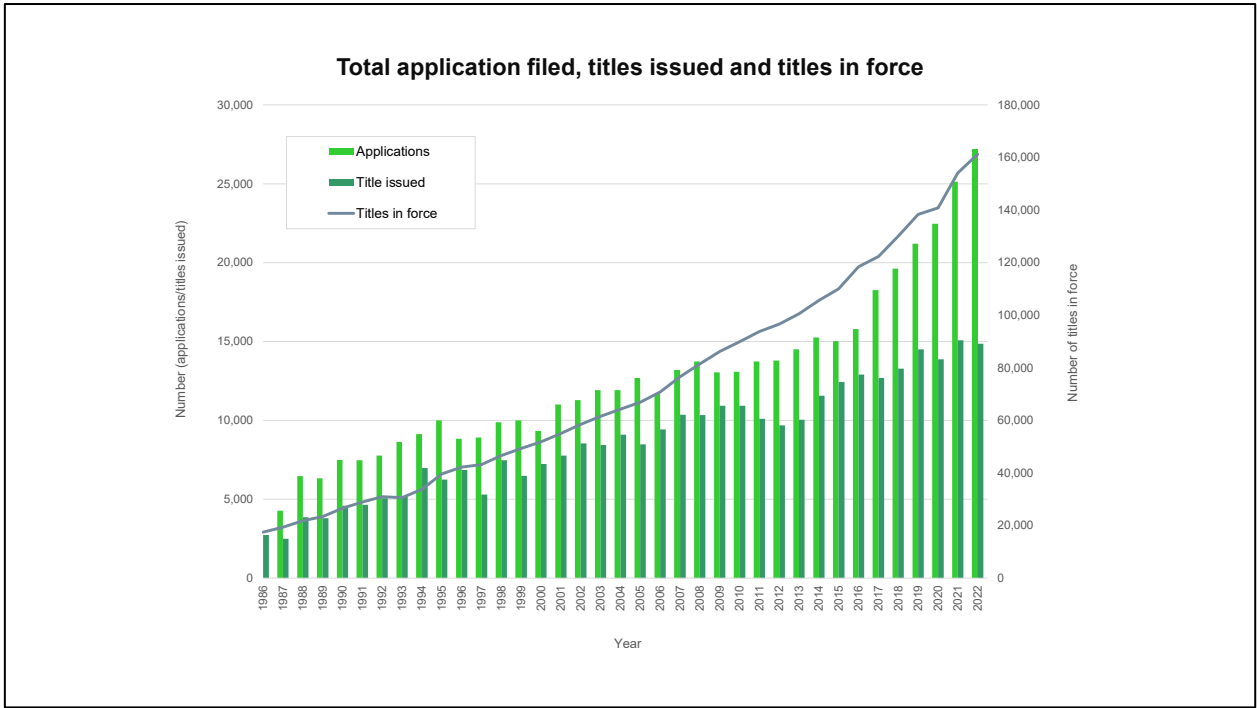


Cooperation in Examination (C/57/5 and TC/59/4)

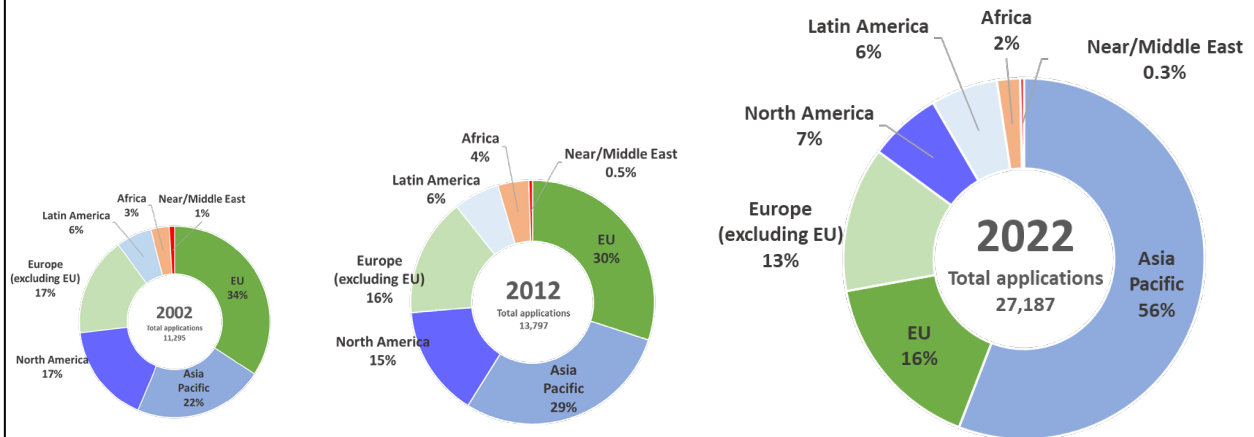


Plant variety protection statistics for the period 2017 – 2021 document C/57/7

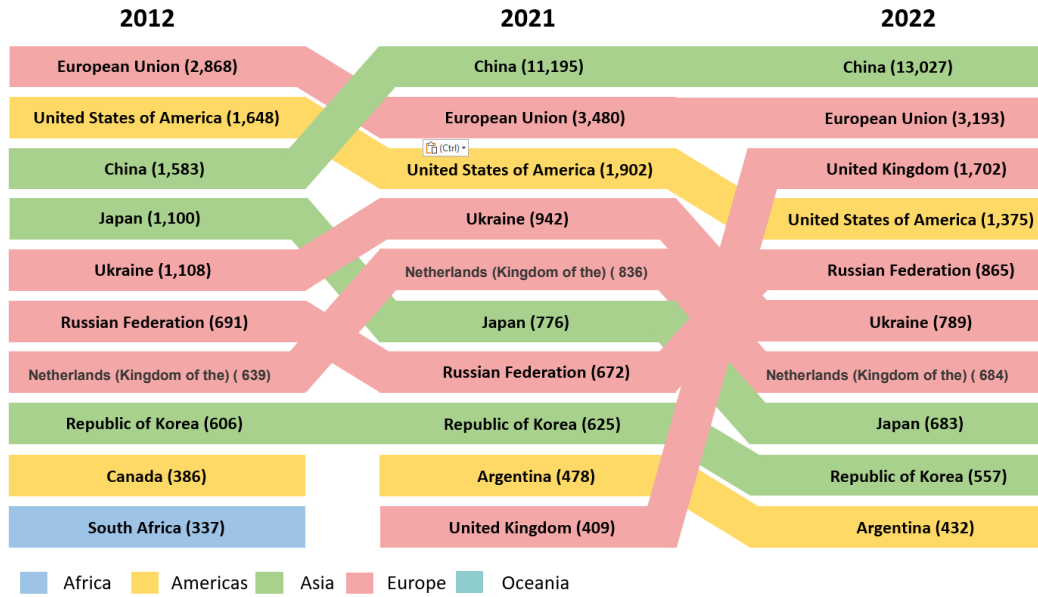


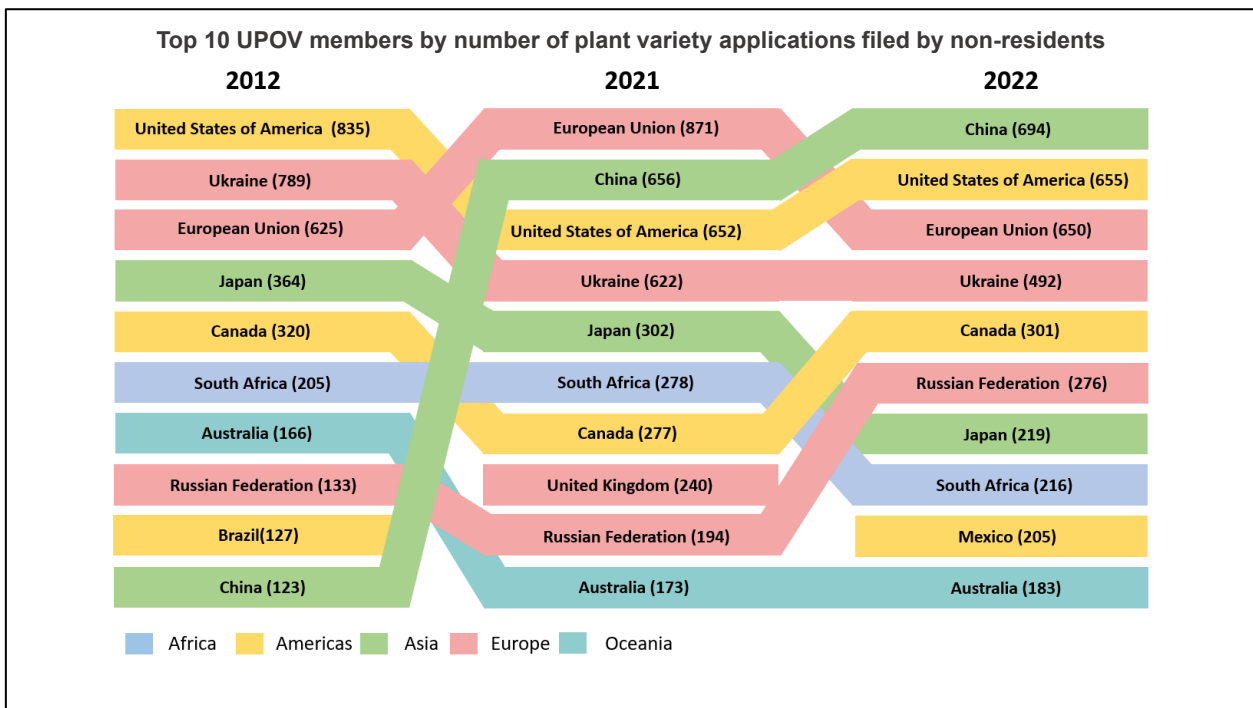
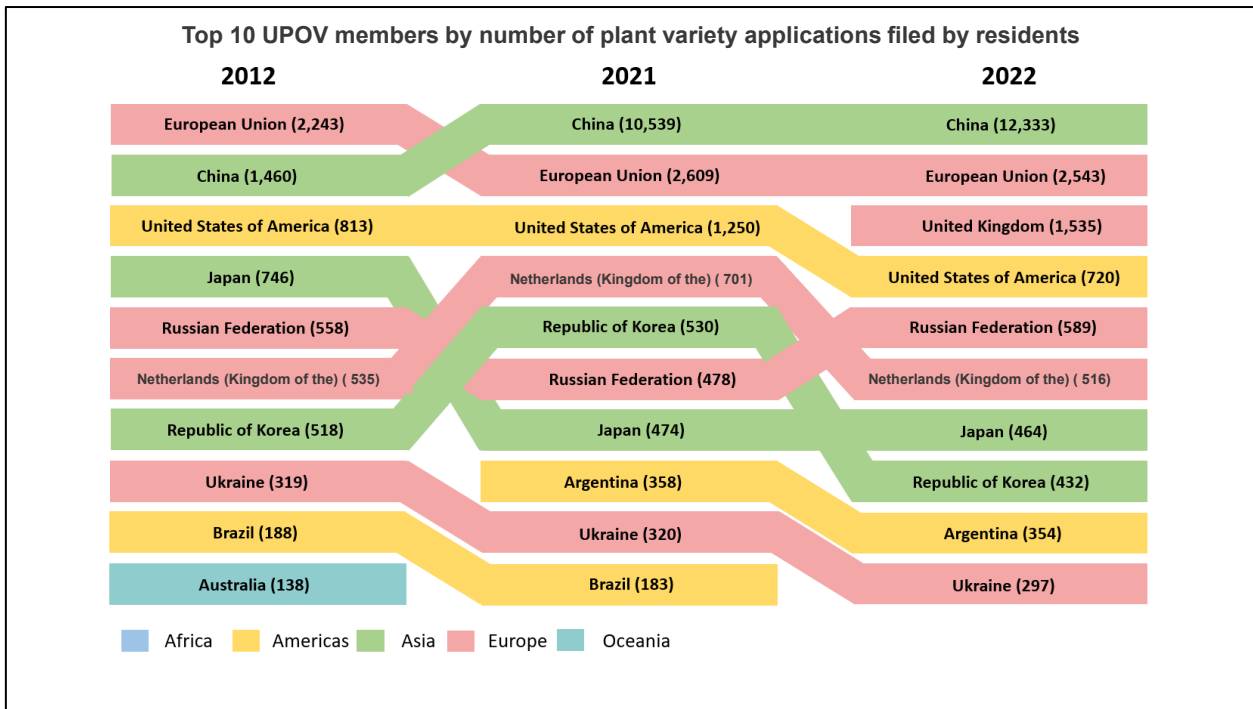


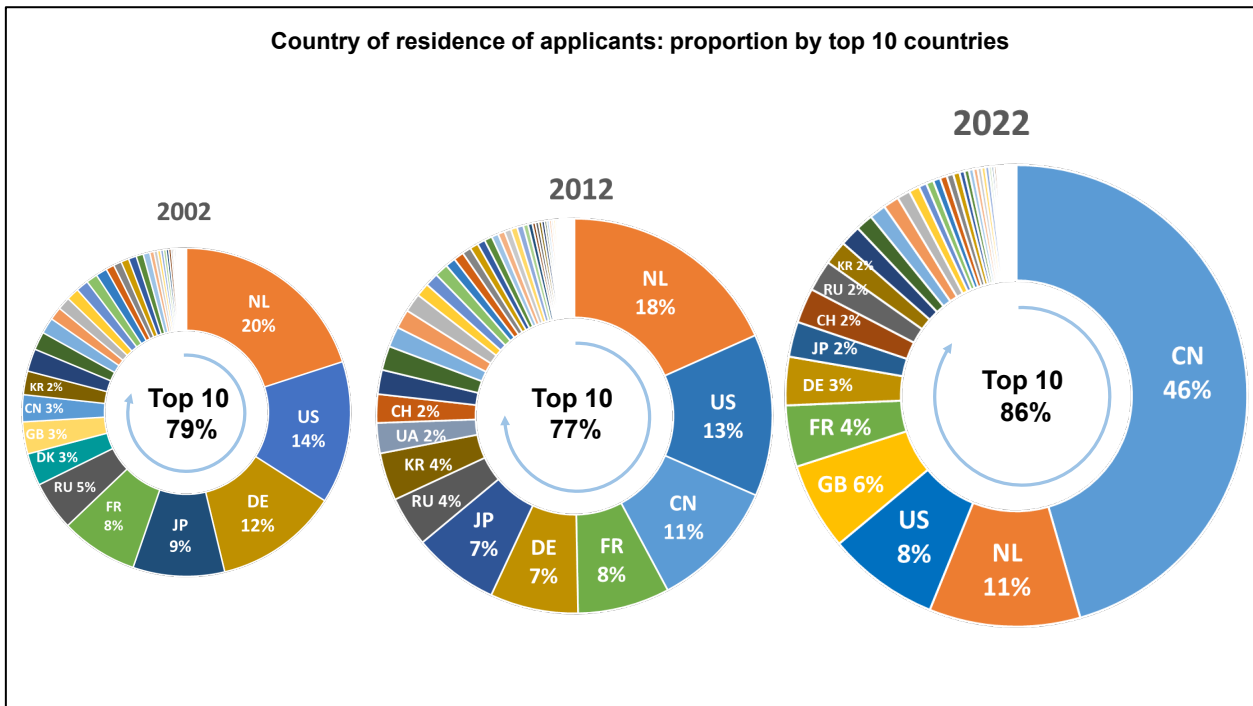
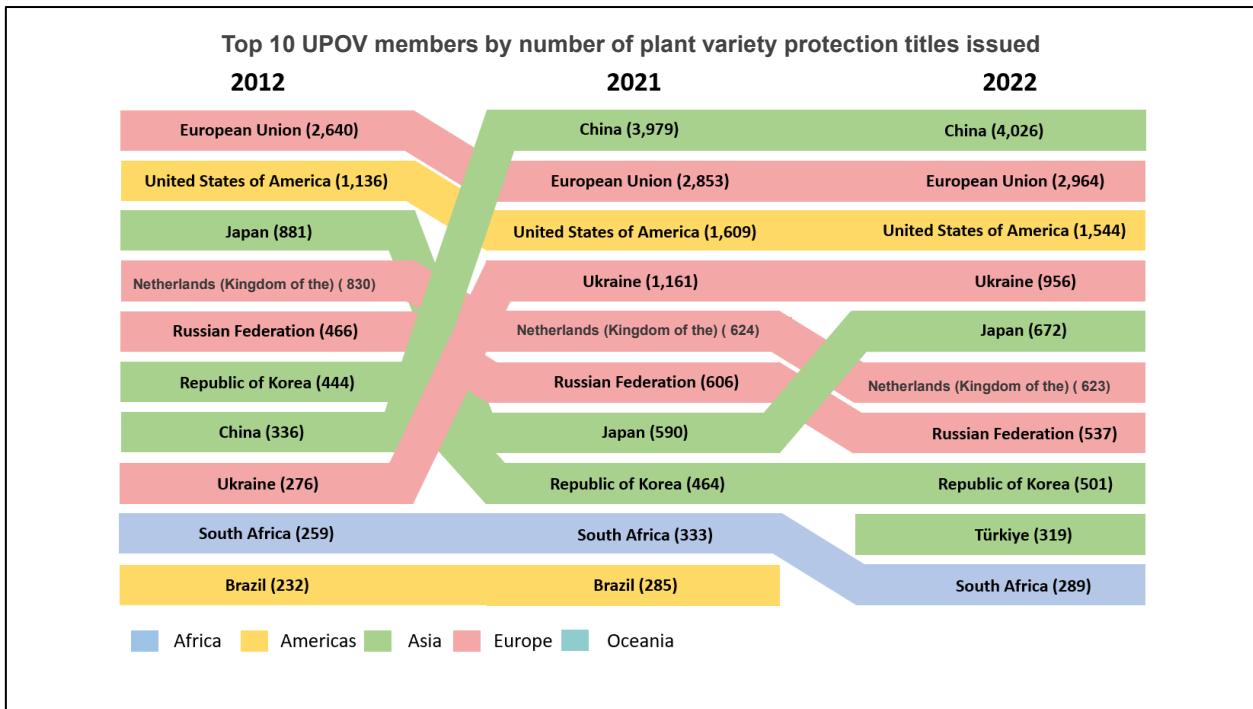
Applications received by region 2002 to 2022

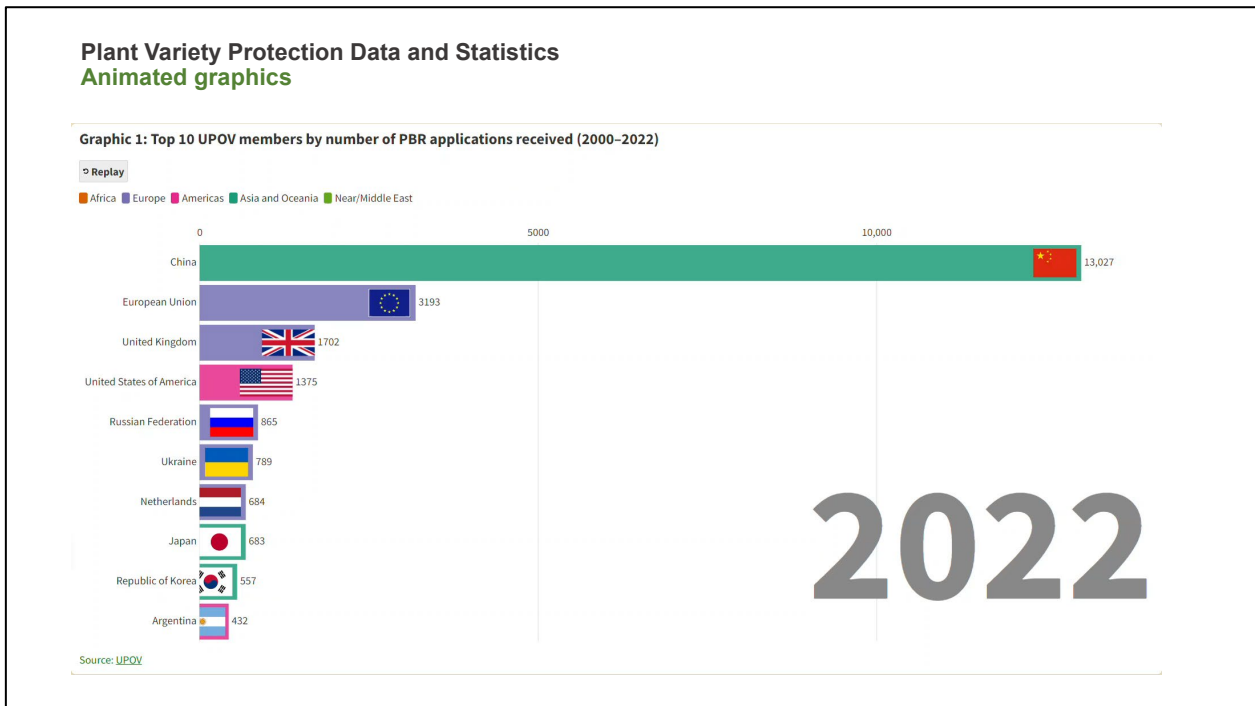
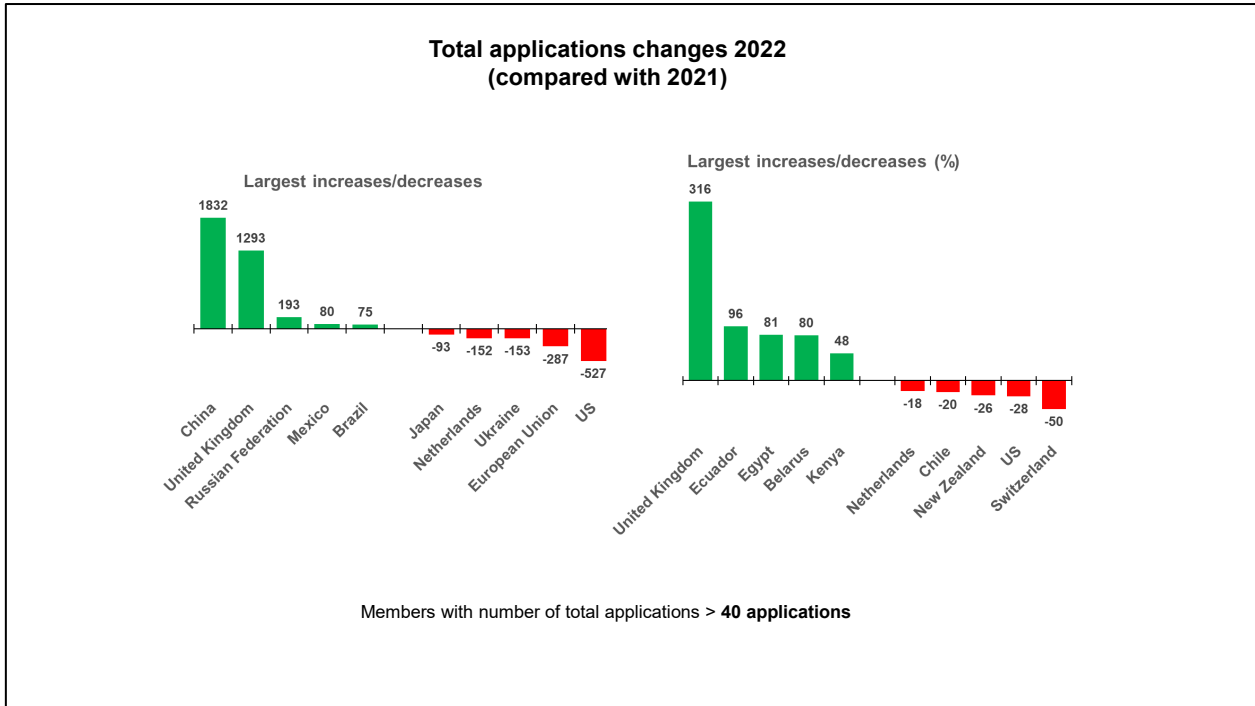


Top 10: UPOV members by number of plant variety applications received









[Annex III follows]

DRAFT PRESS RELEASE

UPOV Press Release 140

Geneva, October 27, 2023

UPOV Council Holds its Annual Session

The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its fifty-seventh ordinary session on October 27, 2023, chaired by Mr. Yehan Cui (China). The report of the session is provided in document C/57/17 (see https://www.upov.int/meetings/fr/details.jsp?meeting_id=77232).

It was the first Council with the new UPOV leadership team: Ms. Yolanda Huerta, from Spain, as the seventh Vice Secretary-General of UPOV, Mr. Martin Ekvad, from Sweden, who joins as Director of Legal Affairs and Mr. Leontino Taveira from Brazil who assumes the position of Director of Global Development and Technical Affairs.

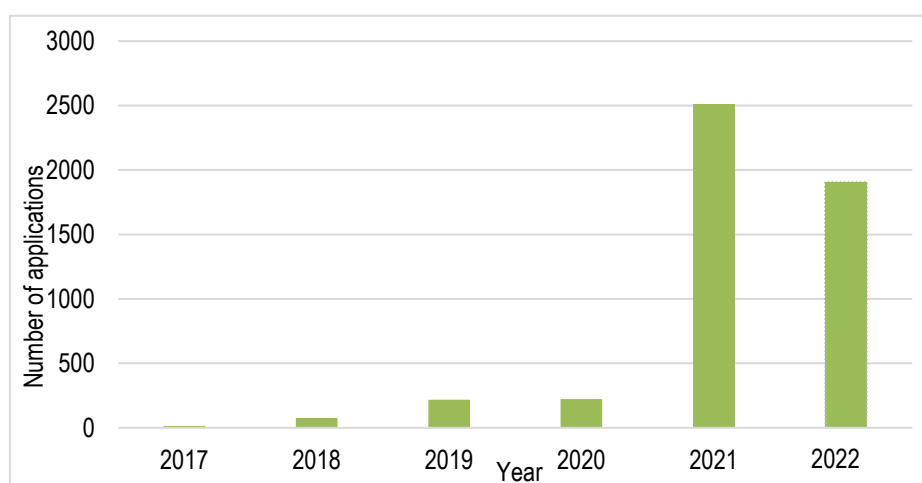
Mr. Daren Tang, Secretary-General, provided opening remarks, a copy of which are reproduced in Appendix I.

Round-up of key developments:Developments in UPOV

A presentation by the Vice Secretary-General on “Report on developments in UPOV”, made for the fifty-seventh ordinary session of the Council, is available at the [C/57](#) webpage, in English.

UPOV PRISMA online application tool

UPOV PRISMA (see <https://www.upov.int/upovprisma/en/index.html>) is an on-line tool to assist in making plant variety protection (PVP) applications to PVP Offices of participating UPOV members, thereby helping to increase the introduction of new plant varieties to farmers in UPOV members. By the end of 2022, 36 members of the Union, covering 75 States, were participating in UPOV PRISMA and there has been strong growth in the use of UPOV PRISMA since its launch in 2017 (see figure below).



Number of applications using UPOV PRISMA (annual)

UPOV e-PVP

[UPOV e-PVP](#) was launched on September 28, 2023. Viet Nam was the first UPOV member joining UPOV e-PVP by using the full package of components.

UPOV e-PVP provides the following components to assist UPOV members in implementing the UPOV system of plant variety protection:

- a. [UPOV PRISMA](#): online application tool for making applications to PVP Offices
- b. UPOV e-PVP Administration Module: digitalized system for PVP offices to manage applications and grants, communicate with applicants and holders, publish information and transmit data to the PLUTO Database
- c. UPOV e-PVP DUS Report Exchange Module: platform for PVP offices to exchange DUS reports
- d. [PLUTO database](#): information on plant varieties

UPOV e-PVP also provides the basis for platforms for UPOV member cooperation in the administration and examination of applications.

The Council welcomed the expressions of commitment from Ghana to join UPOV e-PVP and from Canada, Community Plant Variety Office (CPVO) of the European Union and Netherlands (Kingdom of the) to join the UPOV e-PVP DUS Report Exchange Module.

UPOV International PVP Certificate

The Council endorsed the implementation plan for the “UPOV International certificate on plant variety protection” (“UPOV PVP Certificate”).

The UPOV PVP Certificate would be awarded to learners that acquired the necessary number of credits from completing UPOV-endorsed training and/or activities on the UPOV Convention and guidance, operation of a PVP Office and the examination of applications, including DUS examination.

New videos published on UPOV website

The following videos were published on the [UPOV website](#) in 2023:

Netherlands (Kingdom of):

- Diversity in Tomato

Viet Nam:

- Farmer-Breeders in Viet Nam
- Development of the flower industry in Viet Nam
- Transformation of the seed sector in Viet Nam
- Role of PVP in supporting national agricultural policy in Viet Nam

Seminar proceedings

The English version of the proceedings of the Seminar on the role of plant breeding and plant variety protection in enabling agriculture to mitigate and adapt to climate change, held in 2022, is now available on the [Seminar webpage](#). The French, German and Spanish versions will follow.

Observers in UPOV bodies

Observer status was granted to:

- Rwanda in the Council, Administrative and Legal Committee (CAJ), Technical Committee (TC) and Technical Working Parties (TWPs)
- Nigeria in the Technical Working Parties (TWPs)
- International Association for the Protection of Intellectual Property (AIPPI) in the Administrative and Legal Committee (CAJ)

FAQ on CBD, ITPGRFA and UPOV

The Council approved the following FAQ: “Complementarity between the UPOV Convention, the Convention on Biological Diversity (CBD) and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)”, a copy of which is reproduced in Appendix II.

Adoption of documents

The Council adopted revised versions of the following documents:

UPOV/EXN/DEN	Explanatory Notes on Variety Denominations under the UPOV Convention
UPOV/EXN/EDV	Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention
TGP/7	Development of Test Guidelines
TGP/12	Guidance on Certain Physiological Characteristics
TGP/14	Glossary of Terms Used in UPOV Documents
UPOV/INF/16	Exchangeable Software
UPOV/INF/22	Software and Equipment Used by Members of the Union
UPOV/INF/23	UPOV Code System

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

Award of medal

Mr. Peter Button was awarded a UPOV Gold Medal in recognition of his outstanding contribution as Vice Secretary-General of UPOV from December 1, 2010, to October 22, 2023.

Plant Variety Protection Statistics

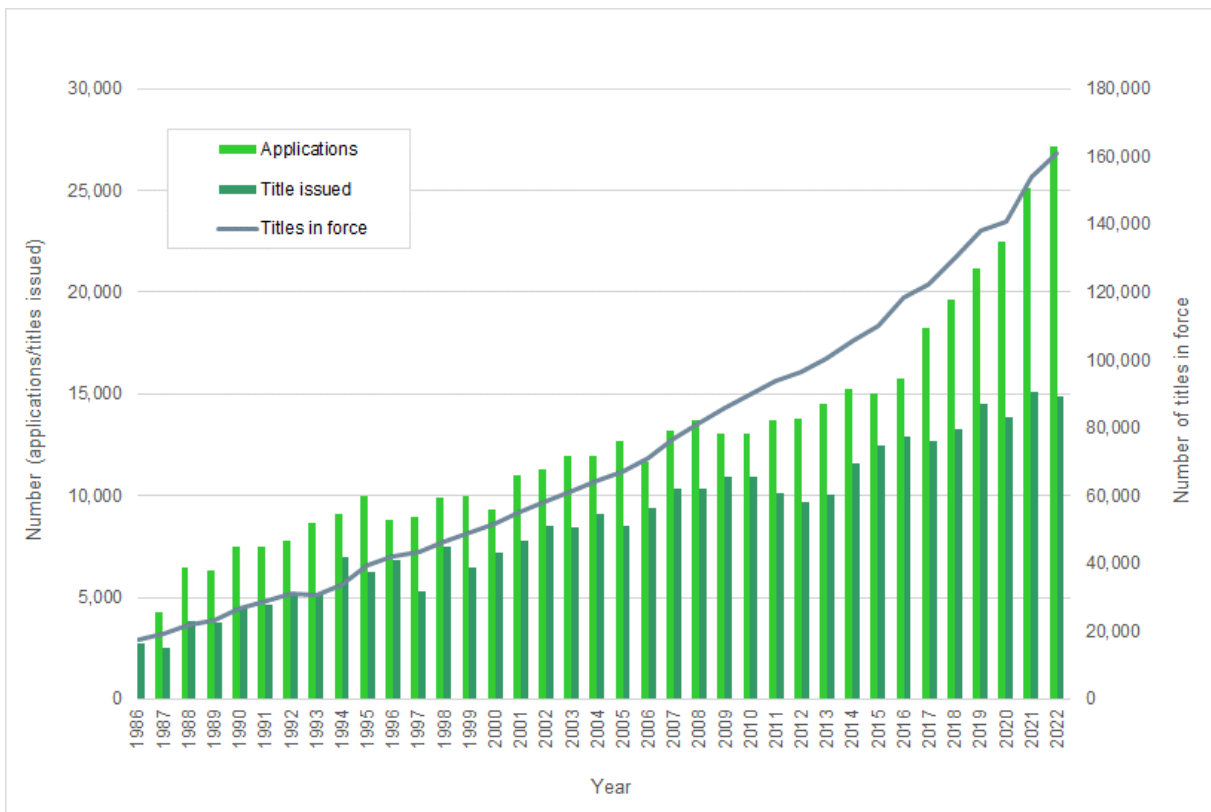
The number of applications for plant variety protection increased from 25,133 in 2021 to 27,187 in 2022 (8.2 percent increase).

The number of titles issued decreased from 15,082 in 2021 to 14,860 in 2022 (1.5 percent decrease), resulting from a 1.0 percent decrease in the number of titles issued to residents (10,257 in 2022; 10,365 in 2021) and a 2.4 percent decrease in the number of titles issued to non-residents (4,603 in 2022; 4,717 in 2021).

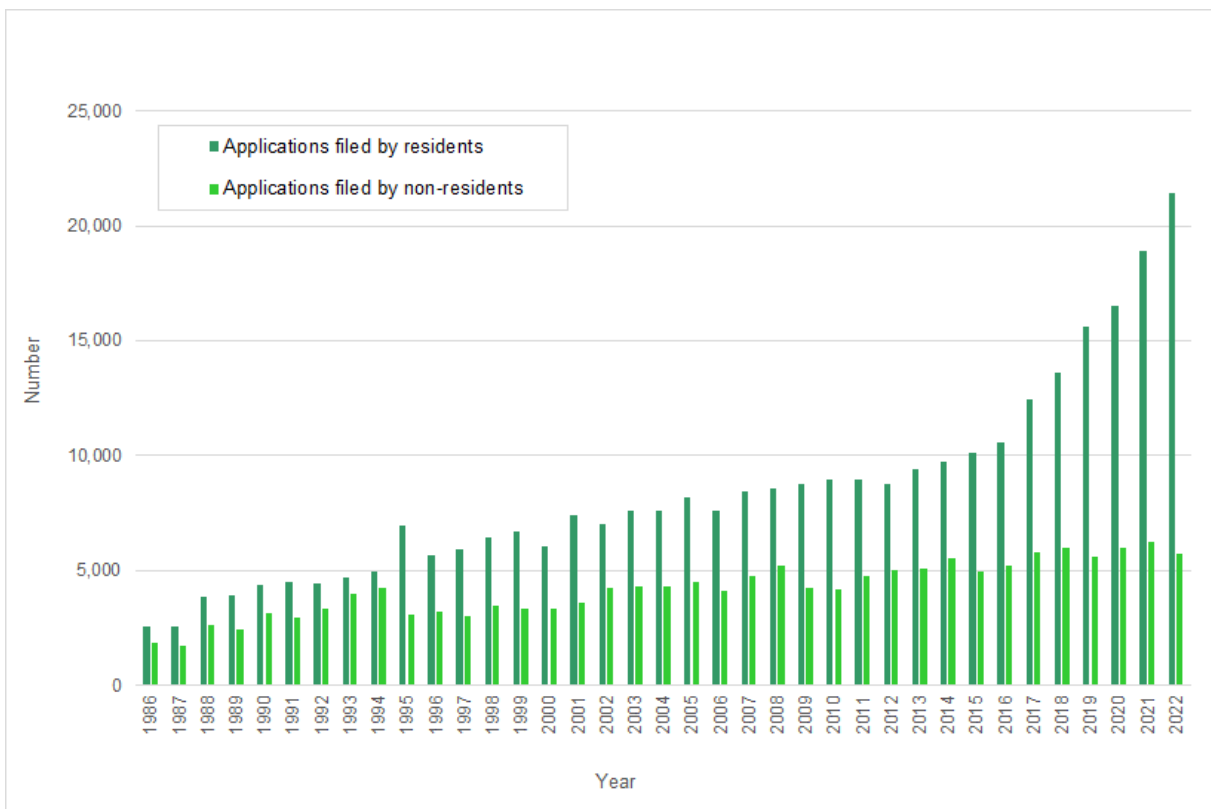
The total of 161,232 titles in force at the end of 2022 represented a 4.6 percent increase on figures for 2021 (154,105).

The following graphs indicate trends in applications filed and titles issued since 1986. Information is also provided on the top 10 members of the Union receiving the largest number of applications in 2012, 2021 and 2022 and an analysis of applications by residence of breeders for the same years.

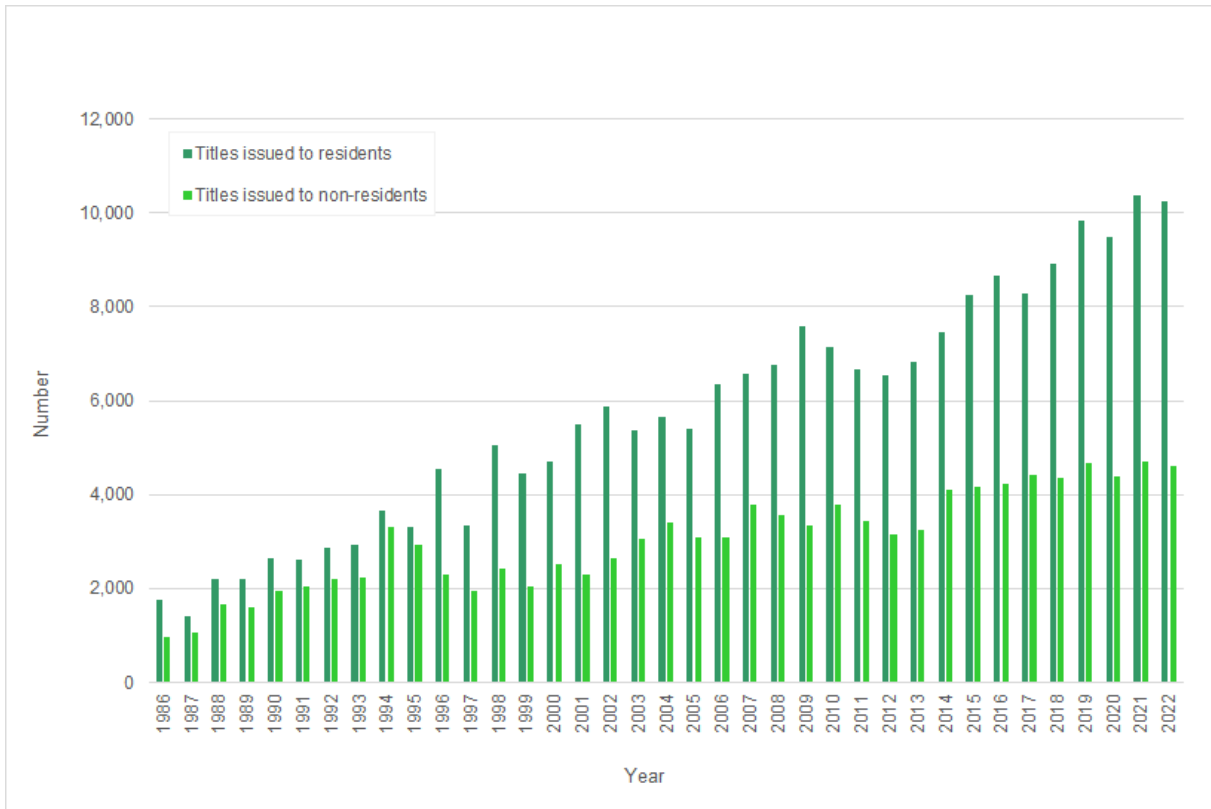
Total applications filed, titles issued and titles in force



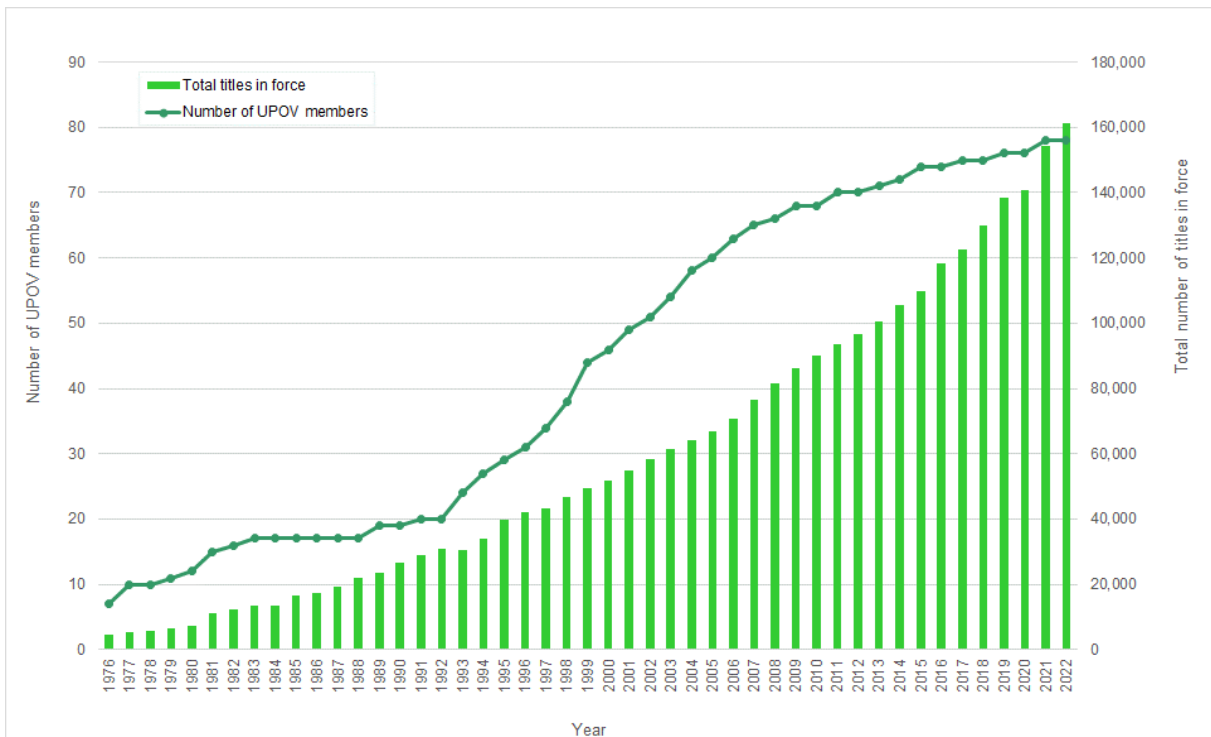
Applications filed by residents/non-residents



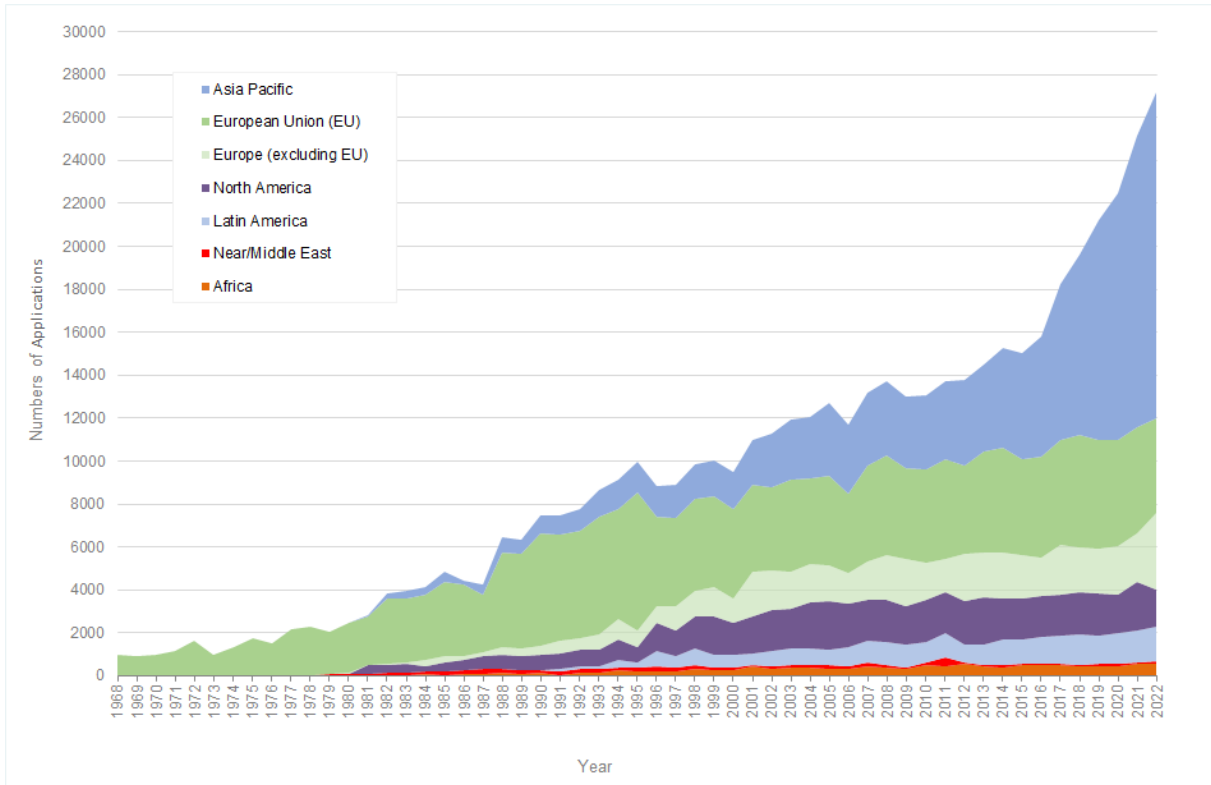
Titles issued to residents/non-residents



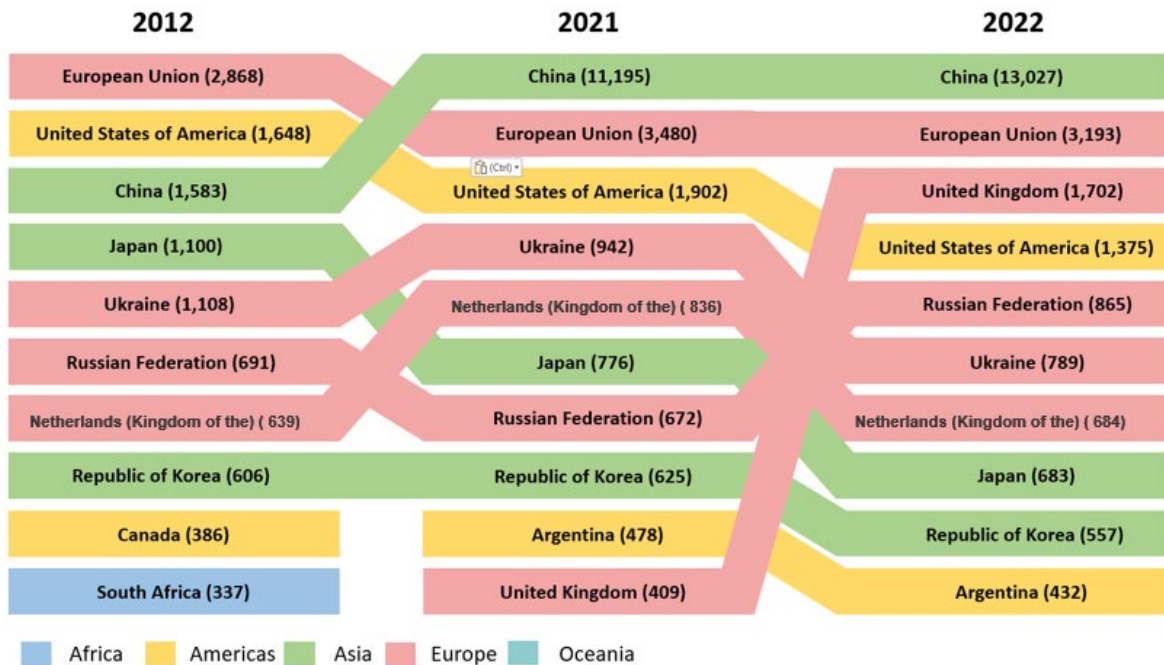
Titles in force / Number of UPOV members



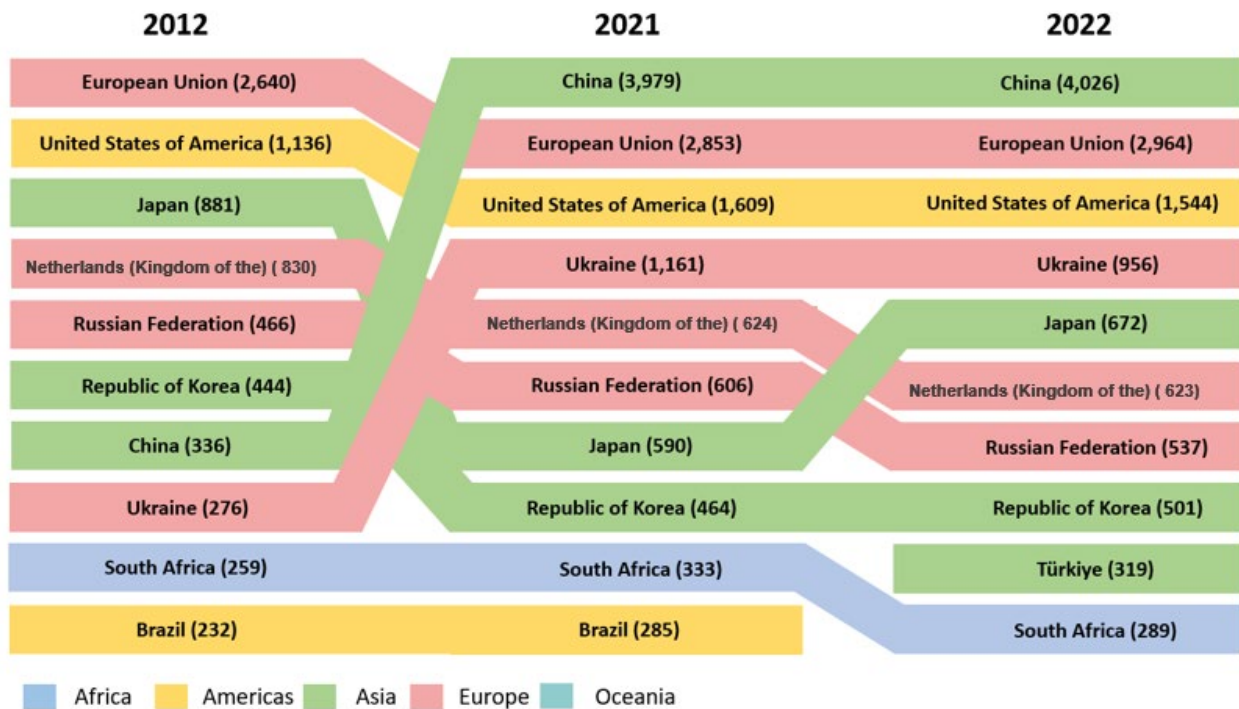
Applications received by region



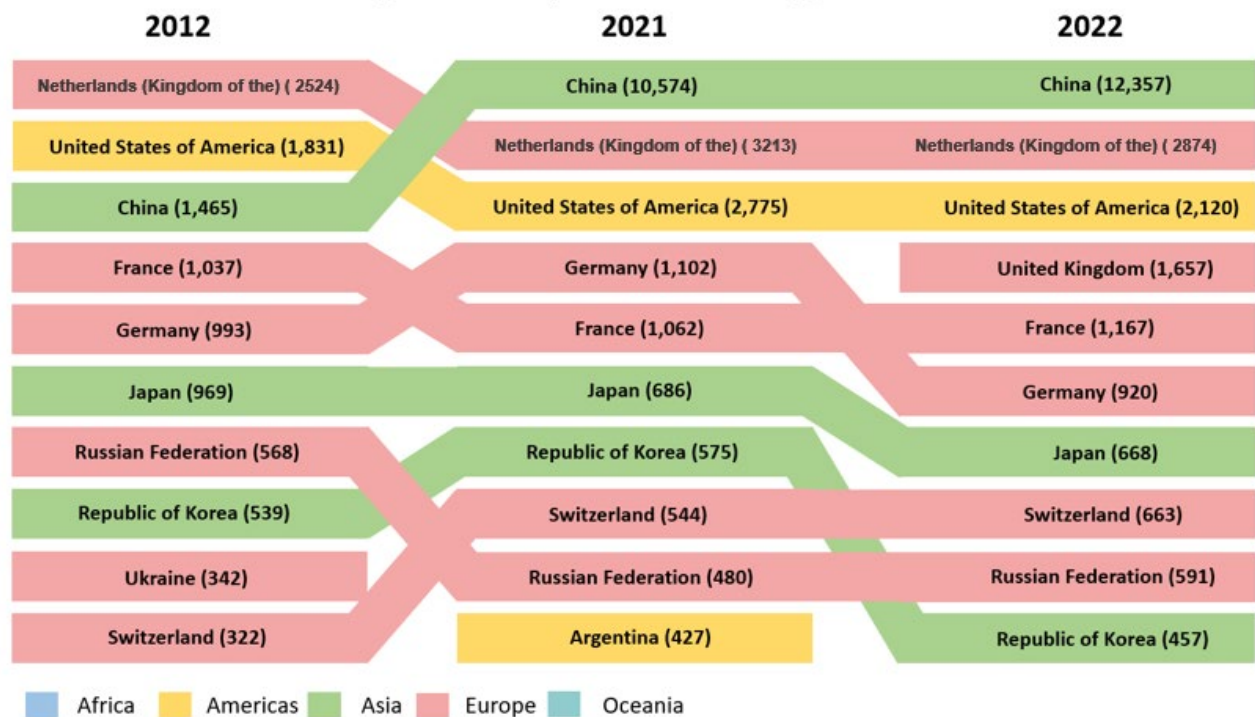
Top 10: UPOV members by number of plant variety protection applications received



Top 10: UPOV members by number of plant variety protection titles issued



Top 10: Country of residence of applicants



NOTES TO EDITORS

UPOV is an intergovernmental organization based in Geneva.

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.

UPOV has 78 members covering 97 States. The members of UPOV are:

African Intellectual Property Organization, 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, Egypt, Estonia, European Union, Finland, France, Georgia, Germany, Ghana, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kenya, Kyrgyzstan, Latvia, Lithuania, Mexico, Montenegro, Morocco, Netherlands (Kingdom of the), New Zealand, Nicaragua, North Macedonia, Norway, Oman, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Trinidad and Tobago, Tunisia, Türkiye, Ukraine, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan and Viet Nam.

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

Tel: (+41-22) 338 9111 E-mail: upov.mail@upov.int

Website: <https://www.upov.int>

Social media



Twitter account: @UPOVint



LinkedIn account: <https://www.linkedin.com/company/upov-official>

[Appendices follow]

ANNEX III, APPENDIX I

OPENING REMARKS OF MR. DAREN TANG, SECRETARY-GENERAL,
AT THE FIFTY-SEVENTH ORDINARY SESSION OF THE COUNCIL

Mr. Yehan Cui, President of the UPOV Council,

Excellencies,

Distinguished Delegates,

Good morning and welcome to 57th session of the UPOV Council.

We meet at a time when food security, climate change and sustainable production continue to rise in importance, impacting the daily lives of people and communities around the world.

The stakes are high, and they are rising.

We know that new plant varieties are critical to addressing falling crop yields, especially in the world's most food-insecure regions.

We know that new solutions are the only way of greening agricultural production and addressing climate change.

And we know that new technologies are essential in meeting fast-growing food demand and achieving the 60 percent increase in food production necessary to feed the world by 2050.

UPOV, as a key driver of agricultural innovation, has an important role to play in meeting these challenges and putting the world on a better and more sustainable path.

This impact was neatly captured by the distinguished delegation of Ghana, who on joining UPOV last year remarked that membership is "critical to its food and nutrition security as well as meeting its national development goals".

So it is encouraging to see growing use of the UPOV system around the world.

Applications have increased by 40 percent over the past five years, with over 27,000 applications filed in 2022.

China is a significant driver, with applications over two times since 2018. But it is far from the only growth engine. Resident filings over the past five years have grown by 400 percent in Egypt, 70 percent in Argentina and Canada, by 40 percent in Brazil and Turkiye, and by four times in Egypt.

More breeders, of all sizes, are turning towards plant variety protection because they recognize its key role in driving agricultural productivity and, through this, sustainable economic and social development.

We know, for example, that by encouraging long-term investment in plant breeding, the UPOV system helps to lower greenhouse gas emissions and that new plant varieties are helping to increase food yields in a sustainable way.

This is critical at any juncture, but especially so at a time when progress towards the UN Sustainable Development Goals has stalled and, in some cases, gone into reverse. To take one statistic, there are 122 million more people in hunger today than before the pandemic.

UPOV, as a cross-cutting enabler across the SDGs – from zero hunger, to climate action – can help to put Agenda 2030 back on track, by strengthening the world's most vulnerable food systems and creating new opportunities for farmers and growers in all parts of the world.

UPOV is rising to this task, deepening its work and introducing new tools that stand to benefit Members and stakeholders everywhere.

In 2023, we have provided legislative assistance to 18 States, a significant uptick as compared to recent years. This includes 13 countries that are not yet Members of the Union, showing that interest in UPOV's work continues to grow around the world.

We have delivered a train-the-trainer course on plant variety protection, connecting policymakers and experts across 15 different countries to understand how UPOV membership can help meet their socio-economic goals.

And in September we reached a major milestone in the development and digitalization of UPOV services, with the launch of our UPOV e-PVP system in Viet Nam.

This is an important step forward in the services we offer Members and users, as well as the support we provide to PVP offices. Not only are we enhancing the application process, we are using cutting-edge technology to strengthen the UPOV system by making administration more efficient and effective.

We are pleased that Canada, the Community Plant Variety Office (CPVO) of the European Union, Ghana and the Kingdom of the Netherlands are adopting UPOV e-PVP or some of its components. We stand ready to support other UPOV members to do likewise.

Enhancing the application process is an important step in unlocking the benefits of UPOV membership and connect to the people on the ground.

To return to Viet Nam, the annual income of farmers has increased by a quarter since joining UPOV in 2006, with agriculture now worth over 3 billion dollars to the economy.

The benefits are similar in other UPOV Members like Kenya and Peru.

In Kenya, access to protected plant varieties has helped to develop a cut-flower industry that now employs over half a million people.

And Peru has used its UPOV membership to introduce more than 60 protected varieties of blueberries, helping it to become one of the largest exporters of the fruit in the world.

As well as delivering these direct benefits, we want to promote agricultural innovation in all its forms.

Around the world, there is a huge amount of work underway, as one of our oldest industries embraces new technologies and solutions.

For instance, satellite monitoring is helping developed and developing nations better understand crop growth and soil status, alerting farmers to pests and other dangers before they take hold. Agricultural robotics is now a 5-billion-dollar industry, working with humans to improve production and yields. Data science and machine learning are generating insights into how and where to cultivate crops most effectively. And agricultural biotechnology is enabling farmers to produce more, using less.

UPOV is a critical part of this larger ecosystem, supporting jobs, growth and opportunity the world over. With the arrival of e-PVP, and our new leadership team, we will embark on a renewed push to bring UPOV even closer to people everywhere.

Our world needs agricultural innovation, and plant variety protection helps to deliver it.

Thank you all very much and best wishes for a successful Council meeting.

[Appendix II follows]

ANNEX III, APPENDIX II

FAQ on CBD, ITPGRFA and UPOV
adopted by the Council at its fifty-seventh ordinary session

Complementarity between the UPOV Convention, the Convention on Biological Diversity (CBD) and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

Aims and objectives

Biological diversity or 'biodiversity' is the term used to describe the variety of all living organisms and includes diversity within species, between species and of ecosystems. Biodiversity underpins all human activity, notably including agriculture and, therefore, food security.

The Convention on Biological Diversity (CBD) has three objectives: the conservation of biodiversity, the sustainable use of the components of biodiversity and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. A supplementary agreement to the CBD, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from the Utilization elaborates on the Convention's provisions on access to genetic resources, traditional knowledge and benefit-sharing in order to contribute to the conservation and sustainable use of biodiversity.

The objectives of the International Treaty on Plant Genetic Resources for Food and Agriculture are the conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of the benefits arising out of their use, in harmony with the Convention on Biological Diversity, for sustainable agriculture and food security. The International Treaty relates to plant genetic resources for food and agriculture.

The Treaty aims at: recognizing the enormous contributions of farmers to diversity of crops that feed the world; establishing a global system to provide farmers, plant breeders and scientists with access to plant genetic materials; ensuring that recipients share benefits they derive from the use of these genetic materials.

UPOV's mission 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.

Synergies between biodiversity, sustainable agriculture and plant breeding

Conservation of biodiversity depends on sustainable agriculture and a halt or reversal to the expansion of agricultural land, while there are parallel demands on agricultural land for food and energy production. This means that there is a need to produce more from existing agricultural land, in a sustainable way. Conversely, sustainable agriculture is dependent on the conservation and sustainable use of biodiversity, in particular by ensuring healthy soils and thriving populations of pollinators to achieve fertile crops, among other things.

By encouraging the development of new varieties of plants, the UPOV system encourages the sustainable use of biodiversity while creating new genetic diversity. New plant varieties with improved yield, more efficient use of nutrients, resistance to plant pests and diseases, salt and drought tolerance and better adaptation to climatic stress, according to the needs and preferences of farmers and consumers, can sustainably increase productivity and product quality in agriculture, horticulture and forestry. These attributes can reduce the pressure on the natural environment and biodiversity by reducing the need for inputs while reducing the area of land needed for agriculture. Plant breeding sustainably uses biological diversity and relies on the conservation of biodiversity to develop new varieties that deliver substantial benefits for farmers and society as a whole. The critical importance of biodiversity to agriculture is recognized in the CBD and the Nagoya Protocol acknowledges the importance of genetic resources for food and agriculture and their special role for food security. The recognition of the importance of crop and genetic diversity for sustainable agriculture and food security is central to the objectives of the ITPGRFA.

Benefits arising from the utilization of genetic resources

By encouraging plant breeding, the UPOV system incentivizes the generation of benefits arising out of the utilization of genetic resources. In addition, the "breeder's exemption" in the UPOV Convention enables plant diversity in the form of protected plant varieties to be available for further breeding activities because acts done using such varieties for the purpose of breeding other varieties are not subject to any restriction by the breeder. This reflects the fact that access to protected varieties contributes to sustaining greatest progress in plant breeding and, thereby, to maximize the use of genetic resources for the benefit of society.

The CBD, Nagoya Protocol and ITPGRFA establish the requirements and mechanisms for the sharing of benefits arising out of the utilization of genetic resources. In relation to the breeder's exemption, a recipient of material from the Multilateral System of the ITPGRFA who commercializes a product that is available without restriction to others for further research and breeding is not obliged but it is encouraged to contribute to the benefit sharing fund of the ITPGRFA.

Legislation in Contracting Parties

International cooperation, as well as coherence in the relevant legislative, administrative and policy measures concerning the CBD, ITPGRFA and the UPOV Convention, in the Contracting Parties concerned, is beneficial for achieving the desired outcomes of those treaties, notably in relation to sustainable agriculture and food security in the context of climate change and land degradation as well as the conservation of biodiversity, access to genetic resources and the sharing of benefits from their utilization.

[End of Annex III and of document]