



C(Extr.)/22/3

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Twenty-Second Extraordinary Session
Geneva, April 8, 2005

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 twenty-second extraordinary session in Geneva on April 8, 2005, chaired by Miss Enriqueta Molina Macías (Mexico), President of the Council.
2. The list of participants is reproduced in Annex I to this document.
3. The session was opened by the President who welcomed the participants.
4. The President extended a warm welcome to the Delegation of Azerbaijan, a State which had become a member of UPOV on December 9, 2004.
5. The Delegation of Azerbaijan expressed its gratitude to the Union for the assistance provided to Azerbaijan in the procedure of accession to the UPOV Convention. The statement made by the Delegation of Azerbaijan is reproduced in Annex II to this document.

Adoption of the Agenda

6. The Council adopted the agenda as proposed in document C(Extr.)/22/1, after having noted the deletion of item 4 (Examination of the conformity of the legislation or proposed legislation of any State or organization having submitted a request under Article 34(3) of the 1991 Act of the UPOV Convention).

Examination of the Conformity of the Protection of New Plant Varieties Act 2004 of Malaysia with the 1991 Act of the UPOV Convention

Malaysia

7. The Senior Legal Officer introduced document C(Extr.)/22/2.

8. The Council decided to

(a) take note of the information given in document C(Extr.)/22/2;

(b) take note of the preliminary examination of the Consultative Committee on the conformity of the Protection of New Plant Varieties Act 2004 of Malaysia with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants. It noted that the Act still required some additional provisions and amendments, as provided in document C(Extr.)/22/2, in order to fully conform with the 1991 Act; the Act would be re-submitted to the Consultative Committee once the additional provisions and amendments had been incorporated;

(c) request the Office of the Union to offer its assistance to the Government of Malaysia in drafting the necessary additional provisions and amendments to the Act; and

(d) authorize the Secretary-General to inform the Government of Malaysia accordingly.

9. The Delegation of Malaysia thanked the Consultative Committee for the preliminary examination of the Act and looked forward to the cooperation with the Office of the Union in drafting the necessary additional provisions and amendments to the Act.

Report by the President on the Work of the Sixty-Ninth Session of the Consultative Committee; Adoption of Recommendations, if any, Prepared by that Committee

10. The Council noted the oral report on the sixty-ninth session of the Consultative Committee, held on April 8, 2005, in particular:

(a) the Consultative Committee received a performance assessment report for 2004;

(b) the Vice Secretary-General informed the Consultative Committee on matters concerning the preparation of the draft program and budget of the Union for the 2006-2007 biennium;

(c) the Consultative Committee agreed to shorten the fifty-second session of the Administrative and Legal Committee to one and a half days to convene a special meeting on the afternoon of October 25, 2005, in order for international organizations of breeders to express their views and concerns on issues regarding the enforcement of plant breeders' rights;

(d) the Consultative Committee noted the medium-term work program of the Office of the Union;

(e) the Consultative Committee decided to add the International Association of Horticultural Producers (AIPH) to the list of non-governmental organizations invited to the sessions of the Administrative and Legal Committee (CAJ);

(f) the Consultative Committee considered matters concerning the granting of observer status to States, intergovernmental and international non-governmental organizations in UPOV bodies. It noted that the rules governing observer status in UPOV bodies would be placed in the unrestricted area of the UPOV website;

(g) the Consultative Committee was informed on the meetings and activities concerning biodiversity, plant genetic resources and plant variety protection and on developments in the Council for TRIPS concerning the review of Article 27.3(b) of the Agreement on Trade-Related Aspects of Intellectual Property Rights ("TRIPS Agreement"); and finally

(h) the Consultative Committee received an oral report on the study of the impact of plant breeders' rights.

11. No decision was called for under this agenda item.

Retirement

12. The President noted that Mr. Gerard Van der Lely (Netherlands) would be retiring and that this was the last meeting in which he would participate. On behalf of the Council, the President thanked him for his contribution to the working of the Union and expressed to him her best wishes for a long and happy retirement.

13. This report was unanimously adopted by the Council at the close of its extraordinary session on April 8, 2005.

[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 États /
in the alphabetical order of the names in French of the States /
in alphabetischer Reihenfolge der französischen Namen der Staaten /
por orden alfabético de los nombres en francés de los Estados)

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Yolanda HUERTA (Mrs.), Senior Legal Officer

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ANNEX II

Statement of the Delegation of the Republic of Azerbaijan

Madam President,
Ladies and Gentlemen,

On behalf of the Government of the Republic of Azerbaijan and on behalf of the Ministry of Agriculture, Azerbaijan appreciates the warm welcome into the UPOV family and are very honored to be member of UPOV. We express our appreciation to all those who contributed to the accession of Azerbaijan to this prestigious organization.

On November 9, 2004, Azerbaijan deposited its instrument of accession to the UPOV Convention (1991 Act). On December 9, 2004, Azerbaijan became the fifty-eighth member of UPOV.

The State Commission for Testing and Protection of Selection Novelty is the official body for testing and protection of new achievements. The State Commission acts in conformity with the Law of Azerbaijan Republic on Selection Achievements passed by the Parliament on November 17, 1996, and was amended by the Law on Alterations and Additions No 808-IQD of February 8, 2000. On October 26, 2000, the Council of UPOV took a positive decision on the conformity of the Law on Selection Achievements with the 1991 Act of the UPOV Convention.

The State Commission has the appropriate legal and institutional framework for the grant of protection of plant breeders' rights. The staff received excellent training in Georgia and the Islamic Republic of Iran in the field of plant breeders' rights.

Azerbaijan cooperates in DUS testing with France, Hungary, the Islamic Republic of Iran, the Netherlands and Turkey. As of today, protection is available in Azerbaijan for 20 genera and species. Annual crops are protected for the period of 20 years, but perennial crops for 25 years. DUS trials for varieties of agricultural crops are carried out in 16 variety testing stations that represent 9 soil-climatic types. Testing activities and protection of new plant varieties are carried out with strict conformity of State testing methods.

I would like to emphasize our gratitude for the assistance received by the Office of the Union in the accession procedure of Azerbaijan to the UPOV Convention.

I would like also to convey thanks to experts from the Islamic Republic of Iran, Georgia and Turkey, and from other authorities of members of the Union for their help and cooperation.

Thank you.

[End of Annex II and of document]