



C(Extr.)/23/4

ORIGINAL: English

DATE: April 7, 2006

**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**  
GENEVA

**COUNCIL**

**Twenty-Third Extraordinary Session**  
**Geneva, April 7, 2006**

REPORT ON THE DECISIONS

*adopted by the Council*

Opening of the Session

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its twenty-third extraordinary session in Geneva on April 7, 2006, chaired by Miss Enriqueta Molina Macías (Mexico), President of the Council.
2. The list of participants is reproduced in the Annex to this document.
3. The session was opened by the President who welcomed the participants.
4. The President announced that Iceland would become the sixty-first member of UPOV on May 3, 2006.

Adoption of the Agenda

5. The Council adopted the agenda as proposed in document C(Extr.)/23/1, after 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) and the addition of document C(Extr.)/23/3 “Certain Financial Matters of the Union” under item 5.

Examination of the Conformity of the Intellectual Property Law of Viet Nam with the 1991 Act of the UPOV Convention

*Viet Nam*

6. The Senior Legal Officer introduced document C(Extr.)/23/2. She noted that the reference to paragraph “27” in paragraph 40 of document C(Extr.)/23/2 should be modified to read paragraph “28”.

7. The Council decided to

(a) take note of the information given in document C(Extr.)/23/2;

(b) take a positive decision on the conformity of the Intellectual Property Law of Viet Nam with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants. It noted that the Law required some additional provisions and clarifications, as provided in document C(Extr.)/23/2, in order to fully incorporate the provisions of the 1991 Act. However, those missing provisions and clarifications would be remedied by the general principle in Article 5 of the Law and the incorporation of those provisions in the Decree on Plant Variety Rights. Once the Law and the Decree entered into force, Viet Nam might deposit its instrument of accession to the 1991 Act;

(c) request the Office of the Union to offer its assistance to the Government of Viet Nam to incorporate in the Law the amendments suggested in paragraph 40 of document C(Extr.)/23/2 at the first opportunity so as to avoid recourse to the general principle in Article 5 of the Law;

(d) authorize the Secretary-General to inform the Government of Viet Nam of that decision.

8. The Delegation of Viet Nam thanked the Council for the examination of the Law and looked forward to cooperating with the members of the Union.

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

9. The Council noted the oral report on the seventy-first session of the Consultative Committee, held on April 7, 2006, in particular, the Consultative Committee:

(a) decided to grant observer status to the European Seed Association (ESA) in the Administrative and Legal Committee (CAJ);

(b) discussed existing activities of UPOV and possible future initiatives in relation to the enforcement of plant breeders' rights, including the seminar on enforcement of plant breeders' rights, organized by the Government of Japan in cooperation with UPOV, scheduled to take place in Tokyo from November 15 to 17, 2006. The Consultative Committee agreed that a new document be prepared on the "Overview of existing activities of UPOV and possible future initiatives in relation to the enforcement of plant breeders' rights" for the seventy-second session of the Consultative Committee on October 18, 2006, reflecting the deliberations of the Consultative Committee;

(c) received a performance assessment report for the 2004-2005 biennium and was informed that the third running of the UPOV Distance Learning Course DL-205 would be held in the four UPOV languages and was scheduled from September 18 to October 20, 2006;

(d) received an oral report on the development of the UPOV Assistance Database; and

(e) 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").

10. Following the recommendation of the Consultative Committee, the Council adopted the decisions concerning "Certain Financial Matters of the Union", as contained in Annexes I and II to document C(Extr.)/23/3.

11. The Council decided that an invitation be made to the Food and Agriculture Organization of the United Nations (FAO) to make a presentation on the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) at the fortieth session of the Council on October 19, 2006.

12. The representative of FAO expressed her satisfaction for the invitation and informed the Council that the first meeting of the Governing Body of the ITPGRFA would be held in Madrid from June 12 to 16, 2006.

13. The Council was informed that France had enacted, on March 2, 2006, the Law No. 2006-245, which authorized the ratification of the 1991 Act of the UPOV Convention.

*14. This report was unanimously adopted by the Council at the close of its extraordinary session on April 7, 2006.*

[Annex follows]

ANNEXE / ANNEX / ANLAGE / ANEXO

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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