



C(Extr.)/24/4

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Twenty-Fourth Extraordinary Session
Geneva, March 30, 2007

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-fourth extraordinary session in Geneva on March 30, 2007, chaired by Mr. Doug Waterhouse (Australia), 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 Viet Nam had become the sixty-third member of UPOV on December 24, 2006, and Ukraine had become a Contracting Party to the 1991 Act on January 19, 2007.

Adoption of the agenda

5. The Council adopted the agenda as proposed in document C(Extr.)/24/1, after the addition of document C(Extr.)/24/3 "Examination of the conformity of the Law of Georgia for the Protection of New Varieties of Plants with the 1991 Act of the UPOV Convention" under item 4.

Examination of the conformity of the Philippine Plant Variety Protection Act of 2002 with the 1991 Act of the UPOV Convention

Philippines

6. The Senior Legal Officer introduced document C(Extr.)/24/2.

7. The Council decided to

(a) take note of the information given in document C(Extr.)/24/2;

(b) advise the Government of the Philippines that the Law incorporated the majority of the provisions of the 1991 Act, but still needed some clarifications and amendments, as provided in document C(Extr.)/24/2, in order to conform with the 1991 Act; once the above clarifications and amendments were incorporated in the Law, the Government of the Philippines was invited to request the examination of the amended law as provided in Article 34(3) of the 1991 Act;

(c) request the Office of the Union to offer its assistance to the Government of the Philippines in drafting the necessary clarifications and amendments to the Law; and

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

8. The Delegation of the Philippines thanked the Council for the examination of the Law and looked forward to cooperating with the Office of the Union in drafting the required amendments.

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

Georgia

9. The Senior Legal Officer introduced document C(Extr.)/24/3.

10. The Council decided to

(a) take note of the information given in document C(Extr.)/24/3, in particular, that the departures of the Law from Articles 6(1) and 20(5) of the 1991 Act, would be remedied, for the time being, by the general principle in Article 6 of the Constitution;

(b) take a positive decision on the conformity of the Law of Georgia for the Protection of New Varieties of Plants with the provisions of the 1991 Act, in accordance with Article 34(3) of that Act, which allowed Georgia to deposit its instrument of accession to the 1991 Act; and

(c) authorize the Secretary-General to inform the Government of Georgia of that decision.

11. The Delegation of Georgia 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-third session of the Consultative Committee; adoption of recommendations, if any, prepared by that Committee

12. The Council noted the oral report by the President on the seventy-third session of the Consultative Committee, held on March 30, 2007, in particular, the Consultative Committee:

(a) had undertaken preliminary examinations concerning the conformity of the Laws of the Philippines and Georgia with the 1991 Act of the UPOV Convention;

(b) endorsed an overview of existing activities of UPOV in relation to the enforcement of plant breeders' rights;

(c) endorsed the proposal for a revised presentation of the information in document C/[40]/5 which would include information on the utilization of existing DUS reports;

(d) recommended not to pursue a UPOV triennial program and budget;

(e) confirmed the calendar of meetings for the October sessions of 2007 and noted that there was a change of location for the thirty-eighth session of the Technical Working Party for Fruit Crops (TWF), to be held from July 9 to 13, 2007, with the preparatory workshop on July 8, 2007. The TWF and the preparatory workshop will be held in Jeju instead of Seoul (Republic of Korea);

(f) decided to include an item in the draft agenda of its seventy-fourth session, to be held on October 24, 2007, to consider the reorganization of the work and dates of the UPOV sessions;

(g) discussed a further extension of one year to the current appointment of the Vice Secretary-General and confirmed that the final decision would be taken at the twenty-fifth extraordinary session of the Council in April 2008, at the latest; and

(h) noted that information had been provided 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").

13. This report was unanimously adopted by the Council at the close of its extraordinary session on March 30, 2007.

[Annex follows]

ANNEXE / ANNEX / ANLAGE / ANEXO

LISTE PROVISoire DES PARTICIPANTS / PROVISIONAL LIST OF PARTICIPANTS /
VORLÄUFIGE TEILNEHMERLISTE / LISTA PROVISIONAL DE PARTICIPANTES

(dans l'ordre alphabétique des noms français des membres/
in the alphabetical order of the names in French 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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