



C(Extr.)/17/6

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DATE: April 7, 2000

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

**COUNCIL**

**Seventeenth Extraordinary Session**  
**Geneva, April 7, 2000**

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 seventeenth extraordinary session in Geneva, on April 7, 2000, under the chairmanship of Mr. Ryusuke Yoshimura (Japan), President of the Council.
2. The list of participants is given in the Annex to this report.

Adoption of the Agenda

3. The Council adopted the agenda as given in document C(Extr.)/17/1 after having noted that it was called upon to consider the Laws of Kazakhstan and the Bill of Honduras under item 5.

Appointment of the New Vice Secretary-General

4. The Council noted document C(Extr.)/17/2.

5. It noted that, on the proposal of the Delegation from the United Kingdom, the Consultative Committee had, by acclamation, agreed to propose to the Council that it appoint Mr. Rolf Jördens as Vice Secretary-General of UPOV.

6. The Secretary-General having expressed his agreement with the recommendation of the Consultative Committee, the Council appointed Mr. Rolf Jördens from Germany as Vice Secretary-General of UPOV. The date of taking office of Mr. Rolf Jördens will be agreed upon between the Secretary-General of UPOV and Mr. Rolf Jördens. It should take place with reasonable expedition.

7. The Vice-President of the Council recalled that the Secretary-General had informed the Consultative Committee of the Vice Secretary-General's plans to retire in April 2000. As it was most likely that the new Vice Secretary-General would take up his position only after some months, he had proposed to the Consultative Committee to invite Mr. Barry Greengrass to the sixtieth session of the Consultative Committee and the thirty-fourth ordinary session of the Council in October 2000. A special farewell session would be held on October 26, 2000, for Mr. Greengrass in order to honor his significant contribution to UPOV. A farewell dinner would be held on October 25, 2000. The Consultative Committee had approved those proposals.

8. The Vice-President of the Council further reported that the Secretary-General had thanked Mr. Greengrass saying that he had very much enjoyed working with him and he had wished him a long and happy retirement. The Secretary-General had added that Mr. Barry Greengrass was not only a real gentleman but also an excellent lawyer and a great expert in the field of plant variety protection. Together with his background and his professional career in the plant breeding business before joining UPOV and with the experience he had gathered in his present function, he had become one of the leading experts in the field of plant variety protection worldwide.

9. The Ambassador of Germany expressed his thanks for the appointment of Mr. Rolf Jördens as Vice Secretary-General of UPOV. He thanked Mr. Barry Greengrass for his achievements during his years of office. These achievements would be a great challenge for Mr. Jördens.

10. Mr. Jördens expressed his thanks for the unanimous support on his appointment as new Vice Secretary-General. He thanked Mr. Barry Greengrass for his offer to support him in his new functions. He would also need support from the President of the Council, the Chairmen of the different bodies of UPOV and the staff of the Secretariat.

#### Examination of the Conformity of the Bangui Agreement Establishing an African Intellectual Property Organization with the UPOV Convention

11. Discussions were based upon document C(Extr.)/17/3.

12. The Council decided, on the basis of the recommendation of the Consultative Committee and of the conclusions drawn by the Office of the Union in paragraphs 33 and 34 of document C(Extr.)/17/3,

- (a) that the Bangui Agreement was in conformity with the Convention;
- (b) that, once the Bangui Agreement was in force, the member States of the African Intellectual Property Organization (OAPI) and OAPI itself might deposit instruments of accession to the Convention.

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

*Kazakhstan*

13. Discussions were based upon document C(Extr.)/17/4.
14. The Council decided, on the basis of the recommendation of the Consultative Committee and on the basis of the conclusions drawn by the Office of the Union in paragraphs 28 and 29 of document C(Extr.)/17/4,
- (a) to advise the Government of Kazakhstan that the Law, after adoption of suitable regulations, provides the basis for a system of protection conforming with the Convention, and that it may deposit an instrument of accession to the Convention after making such regulations;
  - (b) to further advise the Government of Kazakhstan that it may wish to correct the (possible) deviations and inconsistencies at the earliest opportunity;
  - (c) to request the Office of the Union to offer its assistance to the Government of Kazakhstan for the drafting of any regulations and the preparation of translations into one or more of the official languages of UPOV.

15. The Delegation of Kazakhstan thanked the UPOV Council for the positive decision taken on the legislation of his country.

*Honduras*

16. Discussions were based upon document C(Extr.)/17/5.
17. The Council decided, on the basis of the recommendation of the Consultative Committee and of the conclusions drawn by the Office of the Union in paragraphs 41 and 42 of document C(Extr.)/17/5,
- (a) to take a positive decision on the conformity of the legislation of Honduras with the provisions of the Convention, subject to its amendment as mentioned in paragraph 41;
  - (b) to request the Office of the Union to offer its assistance to the Government of Honduras in respect of the amendments to be made to the Bill;

- (c) to further advise the Government of Honduras that
  - (i) after consultation with the Office of the Union as to whether its proposed amendments to the Bill are adequate, and
  - (ii) after adoption of the Bill with the incorporation of such amendments but without other substantial changes, and after making implementing regulations,

it may deposit an instrument of accession to the 1991 Act of the UPOV Convention.

#### Award of Gold Medals

18. The President of the Council awarded Mr. Ricardo López de Haro y Wood from Spain and Mr. Bill Whitmore from New Zealand Gold Medals in recognition of their outstanding contribution as national delegates to sessions of UPOV bodies and as President of the Council of UPOV.

19. Mr. López de Haro y Wood thanked for having been awarded a Gold Medal and expressed his thanks to UPOV for its continued support to the development of the Spanish legislation on plant variety protection.

20. Mr. Whitmore thanked for having been given the chance of serving as President of the Council of UPOV and for the award of the Gold Medal from UPOV.

*21. The Council unanimously adopted this report at the close of its session.*

[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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