



C(Extr.)/31/5
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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

COUNCIL

Thirty-First Extraordinary Session Geneva, April 11, 2014

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 thirty-first extraordinary session in Geneva on April 11, 2014, chaired by Ms. Kitisri Sukhapinda (United States of America), President of the Council.
2. The list of participants is reproduced in Annex I to this report.
3. The session was opened by the President, who welcomed the participants.
4. The Council expressed its condolences for the sad loss of Mr. François Boulineau, Chairman of the Technical Working Party for Vegetables (TWV), who had died on December 23, 2013. It was recalled that, in addition to being Chairman of the TWV, Mr. Boulineau had brought great experience and expert knowledge to UPOV's technical work and was a leading expert for a number of important UPOV Test Guidelines.
5. The Vice Secretary-General reported that Mr. Fuminori Aihara had completed his three-year secondment to UPOV and had been replaced by Mr. Jun Koide, national of Japan.

Adoption of the agenda

6. The Council adopted the revised draft agenda, as proposed in document C(Extr.)/31/1 Rev.

Examination of the conformity of the Draft ARIPO Protocol for the Protection of New Varieties of Plants with the 1991 Act of the UPOV Convention

7. The Council considered document C(Extr.)/31/2.
8. The Council noted the intervention made by the representative of the Association for Plant Breeding for the Benefit of Society (APBREBES).
9. The Council noted the intervention made by the Delegation of Kenya.
10. The Council decided to:
 - (a) note the analysis in this document;
 - (b) note that the letters "(c)" and "(d)" of Articles 11, 12(1) and (3), 19(6), in Annex II of document C(Extr.)/31/2, should read "(a)" and "(b)" and that the word "not" should be deleted from Article 27(5) in accordance with the original text of the Draft Protocol;

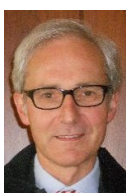
ANNEXE I / ANNEX I / ANLAGE I / ANEXO I

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 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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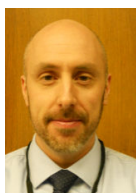
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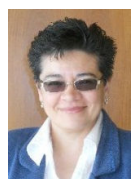
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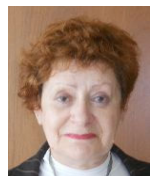


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Peter BUTTON, Vice Secretary-General



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Ben RIVOIRE, Technical/Regional Officer (Africa, Arab countries)



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[L'annexe II suit /
Annex II follows /
Anlage II folgt /
Sigue el Anexo II]

ANNEX II



INTERNATIONALER
VERBAND
ZUM SCHUTZ VON
PFLANZENZÜCHTUNGEN

GENÈVE, SCHWEIZ

UNION INTERNATIONALE
POUR LA PROTECTION
DES OBTENTIONS
VÉGÉTALES

GENÈVE, SUISSE

UNIÓN INTERNACIONAL
PARA LA PROTECCIÓN
DE LAS OBTENCIONES
VEGETALES

GINEBRA, SUIZA

INTERNATIONAL UNION
FOR THE PROTECTION
OF NEW VARIETIES
OF PLANTS

GENEVA, SWITZERLAND

PRESS RELEASE

UPOV Press Release 96

Geneva, April 11, 2014

UPOV Council Holds its Thirty-First Extraordinary Session

The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its thirty-first extraordinary session on April 11, 2014.

Round-up of key developments:

Positive decision on the Draft ARIPO Protocol for the Protection of New Varieties of Plants

The Council took a positive decision on the conformity of the African Regional Intellectual Property Organization (ARIPO) Draft Protocol for the Protection of New Varieties of Plants with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants (UPOV Convention). The Draft Protocol, once adopted with no changes and in force, would allow the Contracting States to the Protocol and ARIPO, in relation to the territories of the Contracting States bound by the Protocol, to deposit their instruments of accession to the UPOV Convention.

International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

The Council expressed its appreciation to the Governing Body of the ITPGRFA (GB) for the thanks the GB had offered to UPOV for the practical support UPOV had provided to the ITPGRFA and the Council confirmed its continuing commitment to mutual supportiveness. In response to an invitation by the GB to identify with the Secretary of the ITPGRFA and the Secretariat of the World Intellectual Property Organization (WIPO) possible areas of interrelations among the international instruments of the ITPGRFA, WIPO and UPOV, the Council decided to explore the idea of a joint publication on interrelated issues regarding innovation and plant genetic resources and other suitable initiatives.

Frequently Asked Questions

The Council agreed the answers to the following frequently asked questions:

- Who can attend UPOV meetings?
- What is UPOV?
- What does UPOV do?
- Who can attend UPOV meetings?
- What is a plant variety?
- Why do farmers and growers need new plant varieties?
- Why is plant variety protection necessary?
- How does plant variety protection work?
- What are the requirements for protecting a new plant variety?

- Why does UPOV require varieties to be uniform and stable; doesn't that lead to a loss of diversity?
- Can breeders use a protected variety in their breeding programs
- Who can protect a plant variety?
- Where do I apply for protection of a variety?
- Can I obtain protection for more than one country from a single application?
- What are the benefits of plant variety protection and UPOV membership?
- What is the effect of plant variety protection on varieties that are not protected (e.g. traditional varieties, landraces etc.)?
- What is the relationship between the UPOV Convention and international treaties concerning genetic resources, e.g. the Convention on Biological Diversity (CBD) and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)
- What is the relationship between patents and plant breeders' rights
- What is the relationship between plant breeders' rights and measures regulating commerce, e.g. seed certification, official registers of varieties admitted to trade (e.g. National List, Official Catalogue) etc.?
- Can I protect an existing plant or variety that I discover?
- Does the UPOV Convention allow a variety to be refused protection because it is genetically modified?
- Can I use plant variety protection to protect the following: - a trait (e.g. disease resistance, flower color) - a chemical or other substance (e.g. oil, DNA) - a plant breeding technology (e.g. tissue culture)?
- Can I protect a hybrid variety under the UPOV system?
- Can a farmer replant seed of a protected variety without the authorization of the breeder?
- Can a farmer sell seed of a protected variety without the authorization of the breeder?
- How do I know if a variety is protected?
- Who is responsible for enforcing plant breeders' rights?
- Does UPOV allow molecular techniques (DNA profiles) in the examination of Distinctness, Uniformity and Stability ("DUS")?
- Is it true that UPOV only promotes commercially bred plant varieties geared to industrialized farmers?

Launch of Advanced Distance Learning Courses

The following program was agreed for the launch of the advanced distance learning courses DL-305-1 "Administration of Plant Breeders' Rights" and DL-305-2 "DUS Examination":

February/March 2015	DL-305-1 (E, F, S)
April/May 2015	DL-305-2 (E, F, S)

More detailed information concerning the course content and on-line registration will be provided on the UPOV website: <http://www.upov.int/resource/en/training.html>.

Test Guidelines

The Council welcomed the adoption by the Technical Committee of six new Guidelines for the Conduct of Tests for Distinctness, Uniformity and Stability (Test Guidelines) and nine revised Test Guidelines. UPOV has now developed 301 Test Guidelines, all of which are freely available on the UPOV website (http://www.upov.int/test_guidelines/en/).

Experience of members of the Union in the Examination of New Plant Varieties

The Council noted that the number of genera and species for which members of the Union had indicated their practical experience in the examination of distinctness, uniformity and stability (DUS) had increased from 2,589 in 2013 to 3,305 in 2014 (+ 27.7%). The Council also noted that information on members of the Union with practical experience in DUS examination was freely accessible via the GENIE database.

Tribute to Mr. François Boulineau (France), Chairman of the Technical Working Party For Vegetables (TWV)

The Council expressed its condolences for the sad loss of Mr. François Boulineau, Chairman of the Technical Working Party for Vegetables (TWV), who had died on December 23, 2013. In addition to being Chairman of the TWV, Mr. Boulineau had brought great experience and expert knowledge to UPOV's technical work and was a leading expert for a number of important UPOV Test Guidelines. The Council expressed its appreciation for the important contribution that Mr. Boulineau had made to UPOV.

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