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|  |  | EC(Extr.)/32/10**ORIGINAL:** EnglishDATE: October 1, 2015 |
| INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS  |
| Geneva |

COUNCIL

Thirty-Second Extraordinary Session
Geneva, March 27, 2015

Report

adopted by the Council

Opening of the session

[[1]](#footnote-2)\* The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held
its thirty-second extraordinary session in Geneva on March 27, 2015, chaired by Ms. Kitisri Sukhapinda (United States of America), President of the Council.

\* The list of participants is reproduced in Annex I to this report.

\* The session was opened by the President, who welcomed the participants.

Adoption of the agenda

\* The Council adopted the revised draft agenda, as proposed in document C(Extr.)/32/1 Rev.

\* At the request of the Seed and Plant Certification and Registration Institute (SPCRI) of the Islamic Republic of Iran, the Council agreed to defer consideration of item 5 of the revised draft agenda of its thirty-second extraordinary session to its forty-ninth ordinary session to be held in October 2015.

Extension of the appointment of the Vice Secretary-General

\* The Council considered document C(Extr.)/32/2.

\* The Council decided to extend the appointment of the Vice Secretary-General from December 1, 2015, until November 30, 2018.

Examination of the conformity of the “Draft provisions of Book Four ‘Plant Varieties’ of Law No. 82 of 2002 Pertaining to the Protection of Intellectual Property Rights” of Egypt with the 1991 Act of the UPOV Convention

\* The Council considered document C(Extr.)/32/3.

 The representative of the International Community of Breeders of Asexually Reproduced Ornamental and Fruit Varieties (CIOPORA) requested clarification concerning enforcement, and whether the Egyptian tort and customs laws were applicable to plant breeders’ rights, as raised by CIOPORA in its letter of March 20, 2015.

 The Delegation of Egypt explained that the economic law of Egypt allowed several actions for a claim to the Economic Court for damages or reliefs in the case of infringements of plant breeders’ rights. It clarified that customs authorities, through customs law, could take actions in the case of plant breeders’ rights infringements, including the exporting or importing of protected varieties without the breeder’s authorization.

\* The Council decided to:

 (a) note the analysis in document C(Extr.)/32/3;

 (b) note the information provided by the Delegation of Egypt that the English translation of the Draft Law required verification and that the following corrections would be made to the translation in accordance with the original text of the Draft Law:

 (i) to add the words “of this Article” at the end of Article 192(7); and

(ii) to add the paragraph number “(4)” before the sentence “The Minister of Agriculture shall issue a decision establishing the rules and procedures for examination and settlement of the appeal.” in Article 202;

 (c) take a positive decision on the conformity of the “Draft provisions of Book Four ‘Plant Variety Protection’ of Law No. 82 of 2002 Pertaining to the Protection of Intellectual Property Rights” (“Draft Law”) of Egypt with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants, which allows Egypt once the Draft Law is adopted with no changes and the Law is in force, to deposit its instrument of accession to the 1991 Act; and

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

 The Delegation of Egypt reported that becoming a member of UPOV would benefit breeders and would promote agriculture in Egypt. The Delegation thanked the Office of the Union for its assistance in drafting the law in conformity with the provisions of the 1991 Act of the UPOV Convention. It further thanked the members of the Union who had provided technical assistance to the Egyptian PVP Office and capacity building of the staff through three different cooperation projects implemented in Egypt. It explained that the PVP Office had issued 153 certificates during the period 2008-2015, and that 50 varieties were under trial at that time.

Adoption of documents

\* The Council considered documents C(Extr.)/32/4, UPOV/INF/15/3 Draft 2 and UPOV/INF-EXN/7 Draft 1.

*UPOV/INF/4/4: Financial Regulations and Rules of UPOV (Revision)*

\* The Council adopted the revision of document UPOV/INF/4 “Financial Regulations and Rules of UPOV” (document UPOV/INF/4/4), on the basis of the amendments to document UPOV/INF/4/3, as presented in the Annex to document C(Extr.)/32/4.

*UPOV/INF/15/3: Guidance for Members of UPOV on Ongoing Obligations and Related Notifications and on the Provision of Information to Facilitate Cooperation (Revision)*

\* The Council adopted the revision of document UPOV/INF/15 “Guidance for Members of UPOV on Ongoing Obligations and Related Notifications and on the Provision of Information to Facilitate Cooperation” (document UPOV/INF/15/3), on the basis of document UPOV/INF/15/3 Draft 2 “Guidance for members of UPOV”; subject to the following changes:

“52. In relation to electronic and paper publications, including searchable databases, the completeness and correctness of the information is of particular importance. In particular, it is important to include information concerning applications for and grants of breeders’ rights, and proposed and approved denominations.”

“62. The UPOV Convention provides for a right of priority of 12 months, based upon an earlier application for the protection of the same variety with another UPOV member, whereby, when priority is claimed, a subsequent application is treated as if it were filed on the filing date of the first application. The right of priority has effects for the examination of the novelty and distinctness conditions and proposed denominations (see online distance learning course DL-205 “Plant Breeders’ Rights under the UPOV Convention”, Module 4: “Applying for a Plant Breeder’s Right”, and document UPOV/EXN/PRI “Explanatory notes on the right of priority under the UPOV Convention” available at: \*<http://www.upov.int/explanatory_notes/en/>).”

*UPOV/INF-EXN/7: List of UPOV/INF-EXN Documents and Latest Issue Dates*

\* The Council adopted the revision of document UPOV/INF-EXN “List of INF-EXN Documents and Latest Issue Dates” (document UPOV/INF-EXN/7) on the basis of document UPOV/INF-EXN/7 Draft 1.

Report by the President on the work of the eighty-ninth session of the Consultative Committee; adoption of recommendations, if any, prepared by that Committee

\* The Council considered document C(Extr.)/32/5.

 The representative of the Association for Plant Breeding for the Benefit of Society (APBREBES) referred to paragraph 25 of document C(Extr.)/32/5, in relation to developments concerning possible areas of interrelations among the international instruments of the ITPGRFA, WIPO and UPOV, and reported that APBREBES was not aware of the discussions that had led to that statement.

 The Vice Secretary-General explained that progress on possible areas of interrelations among the international instruments of the ITPGRFA, WIPO and UPOV was pending further elaboration by the ITPGRFA. The Consultative Committee would consider the matter once that had been provided to UPOV.

 The representative of APBREBES considered that it would be important for UPOV to discuss that subject before the next Governing Body of the ITPGRFA. The representative explained that it would be lamentable for UPOV not to be able to be part of the process because a certain letter of the ITPGRFA had been received too late. The representative of APBREBES suggested that a decision be taken, for example, by correspondence.

\* The Council noted the work of the Consultative Committee at its eighty-ninth session, as reported in document C(Extr.)/32/5.

\* Based on the recommendation of the Consultative Committee, the Council decided to revise the answer to the FAQ “Can I obtain protection for more than one country from a single application?”, as follows:

“In order to obtain protection the breeder needs to file an application with the authority of each UPOV member where protection is sought. The European Union operates a ~~(supranational) community~~ plant ~~variety~~ breeders’ rights system which covers the territory of its 28 member States. The African Intellectual Property Organization operates a plant breeders’ rights system which covers the territory of its 17 member States. Contact details of the authorities responsible for the granting of breeders’ rights are provided at \*<http://www.upov.int/members/en/pvp_offices.html>.”

Calendar of Meetings in 2015

\* The Council considered document C(Extr.)/32/6.

\* The Council noted the conclusions of the CAJ to hold its seventy-second session on October 26 and 27, 2015, and not to convene a session of the Administrative and Legal Committee Advisory Group (CAJ-AG) on October 30, 2015.

\* On the above basis, the Council approved a revision of the Calendar of Meetings in 2015, in order to remove the references to the CAJ-AG, and to include the information that the forty‑fourth session of the Technical Working Party for Agricultural Crops (TWA) would be held in Obihiro, Japan, from July 6 to 10, 2015.

Press release

\* The Council considered document C(Extr.)/32/7.

\* The Council considered and approved the draft press release that was distributed at the end of its thirty-second extraordinary session (see document C(Extr.)/32/7). The press release approved by the Council is reproduced in Annex II to this report.

## Other matters

\* The Council welcomed the videos from Ecuador and Uruguay.

 This report was adopted by correspondence.

[Annexes follow]

C(Extr.)/32/10

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)

I. MEMBRES / MEMBERS / VERBANDSMITGLIEDER / MIEMBROS

ALLEMAGNE / GERMANY / DEUTSCHLAND / ALEMANIA

Udo VON KRÖCHER, Präsident, Bundessortenamt, Hannover

(e-mail: Postfach.Praesident@bundessortenamt.de)

Barbara SOHNEMANN (Frau), Justiziarin, Leiterin, Rechtsangelegenheiten, Sortenverwaltung, Gebühren, Bundessortenamt, Hannover (e-mail: barbara.sohnemann@bundessortenamt.de)

ARGENTINE / ARGENTINA / ARGENTINIEN / ARGENTINA

Raimundo LAVIGNOLLE, Presidente del directorio, Instituto Nacional de Semillas (INASE), Buenos Aires

(e-mail: rlavignolle@inase.gov.ar)

Carmen Amelia M. GIANNI (Sra.), Coordinadora de Propiedad Intelectual / Recursos Fitogenéticos, Secretaría de Industria y Comercio Exterior, Ministerio de Economía, Buenos Aires

(e-mail: cgianni@inase.gov.ar)

María Inés RODRIGUEZ (Sra.), Counsellor, Permanent Mission of the Argentine Republic to the International Organizations in Geneva, Geneva (e-mail: rdg@mrecic.gov.ar)

AUSTRALIE / AUSTRALIA / AUSTRALIEN / AUSTRALIA

Tanvir HOSSAIN, Senior Examiner, Plant Breeder's Rights Office, IP Australia, Woden

(e-mail: tanvir.hossain@ipaustralia.gov.au)

BELGIQUE / BELGIUM / BELGIEN / BÉLGICA

Françoise DE SCHUTTER (Madame), Attachée, Office belge de la Propriété intellectuelle (OPRI), Bruxelles (e-mail: francoise.deschutter@economie.fgov.be)

BOLIVIE (ÉTAT PLURINATIONAL DE) / BOLIVIA (PLURINATIONAL STATE OF) / BOLIVIEN (PLURINATIONALER STAAT) / BOLIVIA (ESTADO PLURINACIONAL DE)

Luis Fernando ROSALES LOZADA, Primer Secretario, Misión Permanente, Ginebra

(e-mail: fernando.rosales@bluewin.ch)

BRÉSIL / BRAZIL / BRASILIEN / BRASIL

Fabrício SANTANA SANTOS, Coordinator, National Plant Variety Protection Office (SNPC), Ministry of Agriculture, Livestock and Food Supply, Brasilia (e-mail: fabricio.santos@agricultura.gov.br)

CANADA / CANADA / KANADA / CANADÁ

Anthony PARKER, Commissioner, Plant Breeders' Rights Office, Canadian Food Inspection Agency (CFIA), Ottawa (e-mail: anthony.parker@inspection.gc.ca)

CHILI / CHILE / CHILE / CHILE

Manuel TORO UGALDE, Jefe Subdepartamento, Registro de Variedades Protegidas, División Semillas, Servicio Agrícola y Ganadero (SAG), Santiago de Chile (e-mail: manuel.toro@sag.gob.cl)

Natalia SOTOMAYOR (Ms.), Legal Advisor, Oficina de Estudios y Politicas Agrarias (ODEPA), Santiago de Chile (e-mail: nsotomayor@odepa.gob.cl)

CHINE / CHINA / CHINA / CHINA

Mingqi LI, Deputy Director General, Office for the Protection of New Plant Varieties, State Forestry Administration, Beijing (e-mail: limingqi709@126.com)

Faji HUANG, Officer, Office for the Protection of New Plant Varieties, State Forestry Administration, Beijing (e-mail: huangfaji@cnpvp.net)

Juan LI (Ms.), Project Administrator, Beijing (e-mail: lijuan\_8@sipo.gov.cn)

Xin LU (Ms.), PVP Examiner, Plant Variety Protection Division, Development Center for Science and Technology, Ministry of Agriculture, Beijing (e-mail: luxin@agri.gov.cn)

COLOMBIE / COLOMBIA / KOLUMBIEN / COLOMBIA

Ana Luisa DÍAZ JIMÉNEZ (Sra.), Directora Técnica de Semillas, Dirección Técnica de Semillas, Instituto Colombiano Agropecuario (ICA), Bogotá (e-mail: ana.diaz@ica.gov.co)

Juan Camilo SARETZKI-FORERO, Consejo, Misión Permanente de Colombia, Chemin Champ-d’Anier 17‑19, 1209 Geneva, Switzerland (e-mail: juan.saretzki@misioncolombia.ch)

CROATIE / CROATIA / KROATIEN / CROACIA

Ivana BULAJIĆ (Ms.), Head of Plant Health Service, Directorate for Food Quality and Fitosanitary Policy, Ministry of Agriculture, Zagreb (e-mail: ivana.bulajic@mps.hr)

DANEMARK / DENMARK / DÄNEMARK / DINAMARCA

Gerhard DENEKEN, Department of Variety Testing, The Danish AgriFish Agency (NaturErhvervestyrelsen), Skaelskoer (e-mail: gde@naturerhverv.dk)

Maria LILLIE SONNE (Mrs.), Head of Legal, Danish AgriFish Agency, (NaturErhvervestyrelsen), Copenhagen

ÉQUATEUR / ECUADOR / ECUADOR / ECUADOR

Juan Carlos CASTRILLÓN J., Ministro, Misión Permanente, Ginebra (e-mail: jccastrillonj@gmail.com)

ESPAGNE / SPAIN / SPANIEN / ESPAÑA

Luis SALAICES SÁNCHEZ, Jefe del Área del Registro de Variedades, Subdirección General de Medios de Producción Agrícolas y Oficina Española de Variedades Vegetales (MPA y OEVV), Ministerio de Agricultura, Alimentación y Medio Ambiente (MAGRAMA), Madrid (e-mail: luis.salaices@magrama.es)

ESTONIE / ESTONIA / ESTLAND / ESTONIA

Renata TSATURJAN (Ms.), Chief Specialist, Plant Production Bureau, Ministry of Agriculture, Tallinn
(e-mail: renata.tsaturjan@agri.ee)

ÉTATS-UNIS D'AMÉRIQUE / UNITED STATES OF AMERICA / VEREINIGTE STAATEN VON AMERIKA / ESTADOS UNIDOS DE AMÉRICA

Kitisri SUKHAPINDA (Ms.), Patent Attorney, Office of Policy and External Affairs, United States Patent and Trademark Office (USPTO), Alexandria (e-mail: kitisri.sukhapinda@uspto.gov)

Jeffery HAYNES, Deputy Commissioner, U.S. Plant Variety Protection Office, USDA, AMS, S&T, Plant Variety Protection Office, Washington D.C. (e-mail: Jeffery.Haynes@ams.usda.gov)

Elaine WU (Ms.), Patent Attorney, United States Patent and Trademark Office, Alexandria

FÉDÉRATION DE RUSSIE / RUSSIAN FEDERATION / RUSSISCHE FÖDERATION / FEDERACIÓN DE RUSIA

Viktor I. STARTCEV, Deputy Chairman, State Commission of the Russian Federation for Selection Achievements Test and Protection, Moscow (e-mail: gossort@gossort.com)

Yury A. ROGOVSKIY, Deputy Chairman, Head of Methodology and International Cooperation, State Commission of the Russian Federation for Selection Achievements Test and Protection, Moscow
(e-mail: yrogovskij@yandex.ru)

Antonina TRETINNIKOVA (Ms.), Deputy Head, Methodology and International Cooperation Department, State Commission of the Russian Federation for Selection Achievements Test and Protection, Moscow
(e-mail: tretinnikova@mail.ru)

FINLANDE / FINLAND / FINNLAND / FINLANDIA

Tarja Päivikki HIETARANTA (Ms.), Senior Officer, Seed Certification Unit, Finnish Food and Safety Authority (EVIRA), Loimaa (e-mail: tarja.hietaranta@evira.fi)

FRANCE / FRANCE / FRANKREICH / FRANCIA

Anne CHAN-HON-TONG (Mme), Chargée d'étude pôle semences, Bureau des semences et de la santé des végétaux, Direction Générale de l'Alimentation Service de la Prévention des Risques Sanitaires de la Production Primaire, Sous-direction de la Qualité et de la Protection des Végétaux, Ministère de l'Agriculture, de l'Agroalimentaire et de la Forêt, Paris (e-mail: anne.chan-hon-tong@agriculture.gouv.fr)

Arnaud DELTOUR, Directeur général, Groupe d'étude et de contrôle des variétés et des semences (GEVES), Beaucouzé (e-mail: arnaud.deltour@geves.fr)

Virginie BERTOUX (Mme), Responsable, Instance nationale des obtentions végétales (INOV), INOV-GEVES, Beaucouzé (e-mail: virginie.bertoux@geves.fr)

HONGRIE / HUNGARY / UNGARN / HUNGRÍA

Krisztina KOVÁCS (Ms.), Head, Industrial Property Law, Budapest (e-mail: krisztina.kovacs@hipo.gov.hu)

Katalin MIKLÓ (Ms.), Head of Chemical and Agricultural Division, Agriculture and Plant Variety Protection Section, Hungarian Intellectual Property Office, Budapest (e-mail: katalin.miklo@hipo.gov.hu)

IRLANDE / IRELAND / IRLAND / IRLANDA

Donal COLEMAN, Controller of Plant Breeders' Rights, National Crop Evaluation Centre, Department of Agriculture, Food and Marine, National Crop Evaluation Centre, Leixlip
(e-mail: donal.coleman@agriculture.gov.ie)

JAPON / JAPAN / JAPAN / JAPÓN

Katsuhiro SAKA, Director, New Business and Intellectual Property Division, Ministry of Agriculture, Forestry and Fisheries (MAFF), Tokyo (e-mail: katsuhiro\_saka@nm.maff.go.jp)

Akira MIYAKE, Senior Policy Advisor, New Business and Intellectual Property Division, Food Industry Affairs Bureau, Ministry of Agriculture, Forestry and Fisheries (MAFF), Tokyo (e-mail: akira\_miyake@nm.maff.go.jp)

KENYA / KENYA / KENIA / KENYA

Simeon KIBET KOGO, General Manager, Quality Assurance, Kenya Plant Health Inspectorate Service (KEPHIS), Nairobi (e-mail: skibet@kephis.org)

LETTONIE / LATVIA / LETTLAND / LETONIA

Iveta OZOLINA (Mrs.), Deputy Director, Department of Agriculture, Ministry of Agriculture, Riga
(e-mail: iveta.ozolina@zm.gov.lv)

Velta EVELONE (Ms.), Director of Seed Control Department, State Plant Protection Service, Riga
(e-mail: velta.evelone@vaad.gov.lv)

Outi TYN (Ms.), Political Administrator, Official of the General Secretariat of the Council of the European Union, Bruxelles (e-mail: Outi.Tyni@consilium.europa.eu)

LITUANIE / LITHUANIA / LITAUEN / LITUANIA

Rasa ZUIKIENÉ (Mrs.), Deputy Head of the plant variety division, State Plant Service under the Ministry of Agriculture, Vilnius (e-mail: rasa.zuikiene@vatzum.lt)

MAROC / MOROCCO / MAROKKO / MARRUECOS

Zoubida TAOUSSI (Mrs.), Chargée de la protection des obtentions végétales, Office National de Sécurité de Produits Alimentaires, Rabat (e-mail: ztaoussi67@gmail.com)

MEXIQUE / MEXICO / MEXIKO / MÉXICO

Alejandro BARRIENTOS-PRIEGO, Profesor, Departamento de Fitotecnica, Universidad Autónoma de Chapingo (UACh), Chapingo (email: abarrien@correo.chapingo.mx)

Sara MANZANO MERINO, Advisor, Misión Permanente, Genève (e-mail: smanzano@sre.gob.mx)

NORVÈGE / NORWAY / NORWEGEN / NORUEGA

Tor Erik JØRGENSEN, Head of Section, National Approvals, Norwegian Food Safety Authority, Brumunddal (e-mail: tor.erik.jorgensen@mattilsynet.no)

NOUVELLE-ZÉLANDE / NEW ZEALAND / NEUSEELAND / NUEVA ZELANDIA

Christopher J. BARNABY, Assistant Commissioner / Principal Examiner for Plant Variety Rights, Plant Variety Rights Office, Intellectual Property Office of New Zealand, Ministry of Business, Innovation and Employment, Christchurch (e-mail: Chris.Barnaby@pvr.govt.nz)

OMAN / OMAN / OMAN / OMÁN

Ali AL LAWATI, Plant Genetic Resources Expert, The Research Council, Oman Animal and Plant Genetic Resources, Muscat (e-mail: ali.allawati@trc.gov.om)

Dua'a Yousuf AL MAQBALI (Ms.), Data Collector and Analyst, The Research Council, Oman Animal and Plant Genetic Resources Center, Muscat (e-mail: duaa.almaqbali@trc.gov.om)

ORGANISATION AFRICAINE DE LA PROPRIÉTÉ INTELLECTUELLE (OAPI) / AFRICAN INTELLECTUAL PROPERTY ORGANIZATION (OAPI) / AFRIKANISCHE ORGANISATION FÜR GEISTIGES EIGENTUM (OAPI) / ORGANIZACIÓN AFRICANA DE LA PROPIEDAD INTELECTUAL (OAPI)

Juliette DOUMATEY AYITE (Mme), Directeur Général Adjoint, Organisation africaine de la propriété intellectuelle (OAPI), Yaoundé (e-mail: ayijuliette@yahoo.fr)

Wéré Régine GAZARO (Mme), Directeur, Protection de la propriété industrielle, Organisation africaine de la propriété intellectuelle (OAPI), Yaoundé (e-mail: were\_regine@yahoo.fr)

PARAGUAY / PARAGUAY / PARAGUAY / PARAGUAY

Hugo Daniel ALCARAZ, Director Jurídico, Servicio Nacional de Calidad y Sanidad Vegetal y de Semillas (SENAVE), San Lorenzo (email: hugoalcarazz@senave.com)

Blanca Julia NÚÑEZ DE MATTO (Sra.), Jefa, Departamento de Protección y Uso de Variedades, Dirección de Semillas (DISE), Servicio Nacional de Calidad y Sanidad Vegetal y de Semillas (SENAVE), San Lorenzo (e-mail: blanca.nunez@senave.gov.py)

PAYS-BAS / NETHERLANDS / NIEDERLANDE / PAÍSES BAJOS

Marien VALSTAR, Senior Policy Officer, Seeds and Plant Propagation Material, Ministry of Economic Affairs, DG AGRO, The Hague (e-mail: m.valstar@minez.nl)

Kees Jan GROENEWOUD, Secretary, Plant Variety Board (Raad voor Plantenrassen), Naktuinbouw NL, Roelofarendsveen (e-mail: c.j.a.groenewoud@naktuinbouw.nl)

Kees VAN ETTEKOVEN, Head of Variety Testing Department, Naktuinbouw NL, Roelofarendsveen
(e-mail: c.v.ettekoven@naktuinbouw.nl)

POLOGNE / POLAND / POLEN / POLONIA

Edward S. GACEK, Director General, Research Centre for Cultivar Testing (COBORU), Slupia Wielka

(e-mail: e.gacek@coboru.pl)

Alicja RUTKOWSKA-ŁOŚ (Mrs.), Head, National Listing and Plant Breeders' Rights Protection Office, The Research Centre for Cultivar Testing (COBORU), Slupia Wielka (e-mail: a.rutkowska@coboru.pl)

RÉPUBLIQUE DE CORÉE / REPUBLIC OF KOREA / REPUBLIK KOREA / REPÚBLICA DE COREA

Seung-In YI, Deputy Head, Plant Variety Protection Division, Korea Seed & Variety Service (KSVS), Gyeongsangbuk-Do (e-mail: seedin@korea.kr)

RÉPUBLIQUE DE MOLDOVA / REPUBLIC OF MOLDOVA / REPUBLIK MOLDAU / REPÚBLICA DE MOLDOVA

Mihail MACHIDON, Chairman, State Commission for Crops Variety Testing and Registration (SCCVTR), Chisinau (e-mail: info@cstsp.md)

Ala GUSAN (Mrs.), Head, Inventions and Plant Varieties Department, State Agency on Intellectual Property (AGEPI), Chisinau (e-mail: ala.gusan@agepi.gov.md)

RÉPUBLIQUE TCHÈQUE / CZECH REPUBLIC / TSCHECHISCHE REPUBLIK / REPÚBLICA CHECA

Radmila SAFARIKOVA (Mrs.), Head of Division, Central Institute for Supervising and Testing in Agriculture (UKZUZ), National Plant Variety Office, Brno (e-mail: radmila.safarikova@ukzuz.cz)

ROUMANIE / ROMANIA / RUMÄNIEN / RUMANIA

Aura Giorgiana MINDRUTA (Ms.), Expert, State Institute for Variety Testing and Registration (ISTIS), Bucarest (e-mail: aura\_mindruta@istis.ro)

Cristian Irinel MOCANU, Head of Legal Department, State Institute for Variety Testing and Registration, Bucharest (e-mail: irinel\_mocanu@istis.ro)

ROYAUME-UNI / UNITED KINGDOM / VEREINIGTES KÖNIGREICH / REINO UNIDO

Andrew MITCHELL, Head of Varieties and Seeds, Department for Environment, Food and Rural Affairs (DEFRA), Cambridge (e-mail: andrew.mitchell@defra.gsi.gov.uk)

SLOVAQUIE / SLOVAKIA / SLOWAKEI / ESLOVAQUIA

Bronislava BÁTOROVÁ (Mrs.), National Coordinator for the Cooperation of the Slovak Republic with UPOV/ Senior Officer, Department of Variety Testing, Central Controlling and Testing Institute in Agriculture (ÚKSÚP), Nitra (e-mail: bronislava.batorova@uksup.sk)

SUÈDE / SWEDEN / SCHWEDEN / SUECIA

Olof JOHANSSON, Head, Plant and Environment Department, Swedish Board of Agriculture, Jönköping
(e-mail: olof.johansson@jordbruksverket.se)

SUISSE / SWITZERLAND / SCHWEIZ / SUIZA

Manuela BRAND (Ms.), Plant Variety Rights Office, Federal Department of Economic Affairs Education and Research (EAER), Plant Health and Varieties, Federal Office for Agriculture FOAG, Bern
(e-mail: manuela.brand@blw.admin.ch)

TUNISIE / TUNISIA / TUNESIEN / TÚNEZ

Tarek CHIBOUB, Directeur général, Direction générale de la protection et du contrôle de la qualité des produits agricoles, Ministère de l’agriculture, Tunis (e-mail: tarechib@yahoo.fr)

TURQUIE / TURKEY / TÜRKEI / TURQUÍA

Necati Cem AKTUZ, PBR Expert, Crop Production Directorate, Seed Department, Ministry of Food, Agriculture and Livestock, Ankara (e-mail: necaticem.aktuz@tarim.gov.tr)

Muhittin BAĞCI, Coordinator (Engineer), Variety Registration and Seed Certification Centre, Ankara

(e-mail: muhittin.bagci@gthb.gov.tr)

Ilknur YALVAÇ (Ms.), PBR Expert, General Directorate of Crop Production, Seed Department, Ministry of Food, Agriculture and Livestock, Ankara (e-mail: ilknur.yalvac@tarim.gov.tr)

UNION EUROPÉENNE / EUROPEAN UNION / EUROPÄISCHE UNION / UNIÓN EUROPEA

H.E. Mr. Peter SØRENSEN, Ambassador, Head of the Delegation of the European Union to the United Nations in Geneva, Geneva

Oliver HALL-ALLEN, First Counsellor, Delegation of the European Union to the United Nations in Geneva, Geneva (e-mail: Oliver.Hall-Allen@eeas.europa.eu)

Dana-Irina SIMION (Mme), Chef de l'Unité E2, Direction Générale Santé et Sécurité Alimentaire, Commission européenne, Bruxelles (e-mail: dana-irina.simion@ec.europa.eu)

Päivi MANNERKORPI (Mrs.), Head of Sector - Unit E2, Plant Reproductive Material, Section Direction Générale Santé et Sécurité Alimentaire, Commission européenne (DG SANCO), Bruxelles

(e-mail: paivi.mannerkorpi@ec.europa.eu)

Isabelle CLEMENT-NISSOU (Mrs.), Policy Officer - Unité E2, Plant Reproductive Material Sector, Direction Générale Santé et Sécurité Alimentaire, Commission européenne (DG SANCO), Bruxelles (e-mail: isabelle.clement-nissou@ec.europa.eu)

Martin EKVAD, President, Community Plant Variety Office (CPVO), Angers (e-mail: ekvad@cpvo.europa.eu)

Carlos GODINHO, Vice-President, Community Plant Variety Office (CPVO), Angers
(e-mail: godinho@cpvo.europa.eu)

II. OBSERVATEURS / OBSERVERS / BEOBACHTER / OBSERVADORES

ÉGYPTE / EGYPT / ÄGYPTEN / EGIPTO

Ahmed AGIBA, Head of CASC - Under Secretary of the Ministry of Agriculture, Agricultural Services Sector, Ministry of Agriculture & Land Reclamation, Central Administration for Seed Testing and Certification (CASC), Giza (e-mail: casc.egypt@hotmail.com)

Saad NASSAR, Head of Working Group Review, Formulation Policies and Agricultural Legislations, Ministry of Agriculture and Land Reclamation, Giza (e-mail: Casc.egypt@hotmail.com)

Samy Hamed EL DEIB SALLAM, Head, Technical Secretary of Variety Registration Committee, Central Administration for Seed Certification (CASC), Giza (e-mail: sllamsamy@yahoo.com)

INDONÉSIE / INDONESIA / INDONESIEN / INDONESIA

Satryo BROTODININGRAT, Second Secretary, Permanent Mission of the Republic of Indonesia, Geneva

(e-mail: satryo.bramono@mission-indonesia.org)

Erik MANGAJAYA, Third Secretary, Permanent Mission of the Republic of Indonesia, Geneva

(e-mail: erik.mangajaya@mission-indonesia.org)

THAÏLANDE / THAILAND / THAILAND / TAILANDIA

Sudkhet BORIBOONSRI, Counsellor, Permanent Mission of Thailand to the World Trade Organization (WTO), Genève (e-mail: sudkhet@thaiwto.com)

III. ORGANISATIONS / ORGANIZATIONS / ORGANISATIONEN / ORGANIZACIONES

ASSOCIATION FOR PLANT BREEDING FOR THE BENEFIT OF SOCIETY (APBREBES)

Susanne GURA (Ms.), APREBES Coordinator, Bonn (e-mail: gura@dinse.net)

François MEIENBERG, Board Member, Bonn (e-mail: food@evb.ch)

SOUTH CENTRE

Emmanuel K. OKE, Intern, Innovation and Access to Knowledge Programme, Genève

(e-mail: oke@southcentre.int)

Nirmalya SYAM, Programme Officer, Innovation and Access to Knowledge Programme, Genève

(e-mail: syam@southcentre.int)

ASSOCIATION INTERNATIONALE DES PRODUCTEURS HORTICOLES (AIPH) / INTERNATIONAL ASSOCIATION OF HORTICULTURAL PRODUCERS (AIPH) / INTERNATIONALER VERBAND DES ERWERBSGARTENBAUES (AIPH) / ASOCIACIÓN INTERNACIONAL DE PRODUCTORES HORTÍCOLAS (AIPH)

Mia BUMA (Ms.), Secretary, Committee for Novelty Protection, International Association of Horticultural Producers (AIPH), Reading (e-mail: info@miabuma.nl)

COMMUNAUTÉ INTERNATIONALE DES OBTENTEURS DE PLANTES ORNEMENTALES ET FRUITIÈRES À REPRODUCTION ASEXUÉE (CIOPORA) / INTERNATIONAL COMMUNITY OF BREEDERS OF ASEXUALLY REPRODUCED ORNAMENTAL AND FRUIT VARIETIES (CIOPORA) / INTERNATIONALE GEMEINSCHAFT DER ZÜCHTER VEGETATIV VERMEHRBARER ZIERUND OBSTPFLANZEN (CIOPORA) / COMUNIDAD INTERNACIONAL DE OBTENTORES DE VARIEDADES ORNAMENTALES Y FRUTALES DE REPRODUCCIÓN ASEXUADA (CIOPORA)

Marcel BRUINS, Bruxelles (e-mail: mbruins1964@gmail.com)

CROPLIFE INTERNATIONAL

Marcel BRUINS, Consultant, CropLife International, Bruxelles (e-mail: mbruins1964@gmail.com)

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)

Shakeel BHATTI, Secretary, International Treaty on Plant Genetic Resources for Food and Agriculture, Rome (email: shakeel.bhatti@fao.org)

INTERNATIONAL SEED FEDERATION (ISF)

Hélène GUILLOT (Mlle), Juriste, Union Française des Semenciers (UFS), Paris

(e-mail: helene.guillot@ufs-asso.com)

III. BUREAU / OFFICER / VORSITZ / OFICINA

Kitisri SUKHAPINDA (Ms.), President

Luis SALAICES, Vice-President

IV. BUREAU DE L’UPOV / OFFICE OF UPOV / BÜRO DER UPOV / OFICINA DE LA UPOV

Francis GURRY, Secretary-General

Peter BUTTON, Vice Secretary-General

Yolanda HUERTA (Ms.), Legal Counsel

Jun KOIDE, Technical/Regional Officer (Asia)

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

Leontino TAVEIRA, Technical/Regional Officer (Latin America, Caribbean)

Ariane BESSE (Ms.), Administrative Assistant

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UPOV Press Release 99

Geneva, March 27, 2015

**UPOV Council Holds its Thirty-Second Extraordinary Session**

The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its thirty­second extraordinary session on March 27, 2015.

Developments included:

Positive decision on the Draft Law of Egypt

The Council took a positive decision on the conformity of the “Draft provisions of Book Four ‘Plant Variety Protection’ of Law No. 82 of 2002 Pertaining to the Protection of Intellectual Property Rights” (“Draft Law”) of Egypt with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants (UPOV Convention), which allows Egypt once the Draft Law is adopted with no changes and the Law is in force, to deposit its instrument of accession to the 1991 Act.

Extension of the appointment of the Vice Secretary-General

The Council decided to extend the appointment of the Vice Secretary-General from December 1, 2015, until November 30, 2018.

Adoption of documents

The Council adopted the following documents:

* UPOV/INF/4/4 Financial Regulations and Rules of UPOV (Revision)
* UPOV/INF/15/3 Guidance for Members of UPOV (Revision)

All adopted documents will be included in the UPOV Collection (see <http://www.upov.int/upov_collection/en/>).

Test Guidelines

The Council welcomed the adoption by the Technical Committee of 12 new Guidelines for the Conduct of Tests for Distinctness, Uniformity and Stability (Test Guidelines) and 14 revised Test Guidelines. UPOV has now developed 313 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 3,305 in 2014 to 3,382 in 2015 (+ 2.3%). The Council also noted that information on members of the Union with practical experience in DUS examination was freely accessible via the GENIE database (see <http://www.upov.int/genie/en/>).

For further information about UPOV, please contact the UPOV Secretariat:

Tel: (+41-22) 338 9111 E-mail: upov.mail@upov.int

Fax: (+41-22) 733 0336 Website: [www.upov.int](http://www.upov.int)

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1. \* An asterisk next to the paragraph number indicates that the text has been reproduced from the Report on the Decisions (document C(Extr.)/32/9). [↑](#footnote-ref-2)