



C(Extr.)/32/9  
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## INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

### COUNCIL

#### Thirty-Second Extraordinary Session Geneva, March 27, 2015

#### 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-second extraordinary session in Geneva on March 27, 2015, 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.

##### Adoption of the agenda

4. The Council adopted the revised draft agenda, as proposed in document C(Extr.)/32/1 Rev.
5. 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

6. The Council considered document C(Extr.)/32/2.
7. 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

8. The Council considered document C(Extr.)/32/3.
9. The Council noted the intervention made by the representative of the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA).
10. The Council noted the reply provided by the Delegation of Egypt.

11. 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.

#### Adoption of documents

12. 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)*

13. 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)*

14. 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/](http://www.upov.int/explanatory_notes/en/).”

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

15. 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

16. The Council considered document C(Extr.)/32/5.
17. The Council noted the intervention made by the Association for Plant Breeding for the Benefit of Society (APBREBES).
18. The Council noted the reply provided by the Office of the Union.
19. The Council noted the work of the Consultative Committee at its eighty-ninth session, as reported in document C(Extr.)/32/5.
20. 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](http://www.upov.int/members/en/pvp_offices.html)."

Calendar of Meetings in 2015

21. The Council considered document C(Extr.)/32/6.
22. 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.
23. 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

24. The Council considered document C(Extr.)/32/7.
25. 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

26. The Council welcomed the videos from Ecuador and Uruguay.

27. *This report was adopted by the Council at the close of its session, on March 27, 2015.*

[Annexes follow]

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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Luis SALAICES, Vice-President

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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

[L'Annexe II suit/  
Annex II follows/  
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Sigue el Anexo II]

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 thirty-second 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/](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/](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/>).

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