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UPOV/C/VI/4
Original: English
Date: September 1, 1972

UPOV

INTERNATIONALER VERBAND
ZUM SCHUTZ VON
PFLANZENZÜCHTUNGEN

UNION INTERNATIONALE
POUR LA PROTECTION
DES OBTENTIONS VÉGÉTALES

INTERNATIONAL UNION
FOR THE PROTECTION OF
NEW PLANT VARIETIES

COUNCIL

Sixth Session

(Geneva, November 8 and 9, 1972)

1971 ANNUAL REPORT

OF THE

SECRETARY GENERAL

(Third Year)

I. State of the Union

1. At the end of 1971 the International Union for the Protection of New Varieties of Plants (UPOV) consisted of six member States, after France had ratified the UPOV Convention with effect from October 3, 1971, and Sweden had acceded to it with effect from December 17, 1971. The six member States of UPOV were:

Denmark
France
Germany (Federal Republic)
Netherlands
Sweden
United Kingdom

II. Meetings

2. In the course of 1971, the different bodies of UPOV met as follows:

3. The Consultative Working Committee held its fourth session on May 6 and 7, 1971, and made recommendations to the Council for the amendment of the UPOV Convention (contribution classes and voting rights) and for the admission of Sweden as a member of UPOV.

4. The Working Party on Variety Denominations held its sixth session on May 4 and 5, 1971, and adopted for submission to the Council a proposal for Provisional Rules of Procedure for the Exchange of Variety Denominations on the basis of a draft prepared by the Secretariat with the assistance of a group of experts which had met on February 1, 1971.

5. At the same session the said Working Group also adopted for submission to the Council a new List of Classes for the purpose of variety denomination in substitution for the Annex to the Provisional Guidelines for Variety Denominations.

6. Within the framework of the Technical Working Parties the following meetings were held:

- (i) A meeting of the Chairmen of the Technical Working Parties on February 3, under the chairmanship of Mr. A.F. Kelly, Coordinator, to give mutual information on the work so far accomplished, and to discuss the layout of the guidelines for the conduct of tests and the use of computer programs and numerical scores.
- (ii) Agricultural Self-fertilized Crops: a meeting of the Working Party in Geneva on February 4 and 5, under the chairmanship of Mr. Kelly, mainly to discuss guidelines for the test of wheat. The Working Party agreed on the principles of the tests and requested the Chairman to draft a new text for submission to the Council.
- (iii) Agricultural Cross-fertilized Crops: meetings of the Working Party in Geneva on March 16 and 17 and on September 22 and 23, under the chairmanship of Dr. H. Höppner, for the adoption of guidelines for maize to be submitted to the Council.
- (iv) Vegetables: a meeting of the Working Party at the Bundessortenamt, Bemerode, Hannover, Germany (Federal Republic), on June 8 and 9, under the chairmanship of Jr. C. Dorsmann, for the adoption of guidelines for peas, the discussion of preparatory draft guidelines for beans, lettuce, broad beans, runner beans and Brussels sprouts and the making of arrangements for the preparation of guidelines for a number of other crops.
- (v) Fruit: a meeting of the Working Party on July 20 at Brogdale Farm, Faversham, United Kingdom, under the chairmanship of Mr. J.M.S. Potter, for the adoption of guidelines for apples to be submitted to the Council.

- (vi) Ornamentals: a meeting of the Working Party on September 1 to 3 at the Bundessortenamt, Bemerode, Hannover, under the chairmanship of Mr. W.A. Hallig, for the adoption of guidelines for roses to be submitted to the Council and the discussion of the preparation of guidelines for other species.

7. The Council of UPOV held its fifth session on October 13 to 15. Besides the States mentioned in paragraph 1 above, two signatory States (Belgium and Switzerland) attended the meeting in an observer capacity, as well as certain other interested States (Austria, Finland, Israel, Norway, Spain and the United States of America) which had been invited to send observers. Apart from administrative matters, such as the accounts for 1970 and the budget for 1972, the Council made decisions on the following basic questions:

(a) Variety Denominations. Rules of Procedure for the Exchange of Variety Denominations and a revised list of classes for naming purposes were adopted. The main principle of the said rules is that the exchange of variety denominations will take place by means of the official gazettes of the national authorities. The guiding principle of the new list of classes is that each genus is considered to form a class of its own unless a division of a genus or an addition of genera has been made in the list.

(b) Guidelines for the Conduct of Tests on Wheat, Maize, Roses and Apples were adopted in principle and referred to a Technical Steering Committee (created by the Council during the meeting) for harmonization.

(c) Joint Trial Arrangements. An ad hoc study group had met on February 2 and had agreed on an arrangement for rose varieties and discussed the distribution of other species among the Member States. The Council took note of the rose arrangement and made decisions on the distribution of the tests of certain fruit crops and ornamental plants among the Member States.

(d) The Harmonization of the Fees to be paid by breeders was discussed and a special working party was established to study the question.

(e) A Resolution was adopted recommending Member States to consider the question of including under their national protection systems botanical species "which are important and commonly grown in their respective areas, and which at present are eligible for protection in at least three other Member States."

(f) It was decided to convene a Diplomatic Conference for the purpose of amending the Convention for the Protection of New Varieties of Plants (contributions and related matters).

(g) It was decided to organize a Symposium, if possible in 1973, for the purpose of acquainting non-member States with the idea of plant breeders' rights and the implementation of the Convention.

(h) The request of the Swedish Government for accession to the Convention was accepted unanimously by the Council.

8. On December 14 and 15 the Fee Harmonization Working Party met in Geneva under the chairmanship of Miss E. Thornton and made certain recommendations to the Council concerning the amounts of the fees to be paid by breeders. In particular, in view of the fact that the trial fees cover only a fraction of the trial costs, the Working Party recommended that arrangements be made to the effect that if a Member State grants rights on the basis of trials conducted in another Member State the Member State granting rights will pay to the Member State having carried out the trials the amount which it would have charged itself for examination and will not charge the applicant any examination fee.

9. In this connection it should be mentioned that UPOV was represented at a series of lectures organized by the World Intellectual Property Organization in Montreux in June. A lecture on plant breeders' rights was delivered by Mr. L.J. Smith, Controller of the Plant Variety Rights Office in London and at that time Chairman of the Council of UPOV.

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10. The Vice Secretary General of UPOV participated in meetings organized by ASSINSEL in Wiesbaden on May 11 and in Paris on November 15 and 16, and by AIPH in Paris on November 17. Furthermore, he visited the headquarters of OECD on March 23 and of FAO on June 21 and 22 in order to obtain contacts with these organizations.

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