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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

Eighth Ordinary Session
Geneva, October 24 to 26, 1974

DRAFT PROGRAM AND BUDGET FOR 1975
presented by the Secretary General

SUMMARY

This document contains the draft program and budget of UPOV for 1975.

The proposed budget provides for expenses amounting to 799,000 Swiss francs. Part of this amount would be covered by contributions payable by member States (670,000 Swiss francs) and the balance from the existing Reserve Fund and miscellaneous receipts.

INTRODUCTION

The Present Document

1. The present document is subdivided into three parts:
 - (i) Program and Expenses (Part I)
 - (ii) Income (Part II)
 - (iii) Comparative Table of Income and Expenditure (Part III).

The first describes each activity proposed and its cost, including staff costs, and gives an estimate of the amount payable by UPOV to WIPO for services rendered (Common Expenses); the second describes the sources and amount of income; and the third shows the difference between income and expenditure and contains proposals relating to the said difference.

2. A summary table of income and expenditure proposed for 1975 appears in Annex I, together with comparative figures for the year 1973 (actual) and 1974 (adopted budget).

3. Annex II shows the amount of the contribution payable by each member State on the assumption that the total amount of contributions proposed in the present budget is adopted and on the basis of the present membership of UPOV.

Budget Headings

4. The budget headings are the same as in previous years. Their description is contained in Annex III.

PART I: PROGRAM AND EXPENSES

5. The program for 1975 will partly be a continuation of the work done in the previous years, and partly contain new activities. In detail, it will consist of the following activities:

6. Council. The Council will probably meet once for three or four days at Geneva to exercise its functions as provided in the UPOV Convention.

UV.01 Conferences: 11,000*

7. The Consultative Working Committee, consisting of delegates from all member States, will meet twice at Geneva for up to five days in full, in the exercise of its functions as a consultative body of the Council.

UV.02 Conferences: 14,000

8. The Technical Steering Committee will meet at least twice, for three or four days each time, to study and make proposals concerning the possibilities for adopting uniform methods, procedures and standards for the examination of varieties, uniform administrative procedures in that field, the exchange of results of examinations between national authorities, and more far-reaching plans for cooperation between member States. No interpretation will be provided for these meetings.

UV.03 Conferences: 1,000

* Figures shown in this draft program and budget are expressed in Swiss francs unless otherwise stated.

9. The five Technical Working Parties for

- (i) Agricultural Crops,
- (ii) Vegetables,
- (iii) Fruit Crops,
- (iv) Ornamental Plants, and
- (v) Forest Trees,

will each meet probably once or twice for two or three days, at a national Office or at the headquarters of UPOV, to draw up guidelines for the conduct of tests of new varieties and standard forms for technical information from breeders applying for protection. No interpretation will be provided for these meetings.

UV.04 Conferences: 1,000
UV.04 Missions: 10,000

10. The Working Group on Variety Denominations will meet once for two or three days to study and draw up proposals on questions related to the denomination of new plant varieties.

UV.05 Conferences: 9,000

11. The Fee Harmonization Working Party will probably meet once for one or two days to discuss problems relating to the question of fees to be paid by breeders. This discussion will be particularly necessary if the envisaged plans to study the possibilities of intensified cooperation are realized.

UV.06 Conferences: 6,000

12. Joint Trial Arrangements. Studies will continue on the possibilities of the joint utilization of the national services entrusted with the examination of new varieties under Articles 7 and 30(2) of the Convention so as to reduce the costs of trials and to establish a division of labor between member States. Besides the work to be done by the Technical Steering Committee and the Technical Working Parties for the harmonization of trials, practical solutions will depend on the harmonization of trial fees, agreements on reference collections, and the exchange of information and plant material directly between national services.

13. Centralization of Examination. This question will be studied by a special Working Group in order to explore the possibilities of improving the examination of plant variety applications filed in different member States by close cooperation between member States and by centralizing the testing and examining activities of national authorities. Four meetings, each lasting five days, are envisaged at Geneva. No interpretation will be provided for those meetings. The report and/or results of the Working Group will probably be published in print.

UV.07 Conferences: 1,000
UV.07 Printing: 1,000

14. Revising the Convention; Other Legal Questions. Depending on the outcome of the meeting of member and non-member States in October 1974, preliminary studies and other preparatory work will be necessary with a view to a possible revision of the Convention. In that event, a Working Group will be established consisting of legal, technical and administrative experts. This Group's mandate could include the discussion of other questions of a legal nature, for example, the question of reciprocity. The Working Group would meet twice for about three days at Geneva. No interpretation will be provided for such meetings.

UV.08 Conferences: 1,000

15. Information and Documentation Service. The Secretariat will:

- (i) establish official translations of the UPOV Convention and the Additional Act in the languages mentioned in the Convention (Article 41, paragraph 3) and in the Additional Act (Article VIII, paragraph 2), and, if the need arises, also in other languages, distributing those translations in the form of brochures;

- (ii) start the publication of a collection of the legislative texts of member States and of non-member States;
- (iii) collect information on the implementation, in practice, of plant breeders' rights systems in various countries;
- (iv) publish the General Information brochure on UPOV (probably already established in English in 1974), in the other two working languages;
- (v) start with the establishment of a vocabulary of UPOV terms in English, French and German;
- (vi) start the publication of a (periodical) information newsletter.

UV.09 Printing:	8,000
UV.09 Contracts:	5,000

16. Exchange of Variety Denominations. By decision of the Council, implementation of Article 13(6) of the Convention on the exchange of variety denominations through the Secretariat has been postponed, and for the time being the Secretariat will not carry out the tasks provided for under the said Article 13(6) (see documents UPOV/C/V/33 and UPOV/C/VII/5.Rev., paragraph 11).

17. Advice to Governments. The Secretariat will be available--if so required--to give advice and information on the application of the UPOV Convention to the Governments of member States as well as to the Governments of States not yet members of UPOV which are contemplating the possibility of ratifying or acceding to the Convention or of following the work of UPOV.

18. Contacts with Governments, Intergovernmental and Non-Governmental Organizations. The Secretariat will maintain contacts with Governments of both member States and non-member States, with interested intergovernmental organizations, particularly the Food and Agriculture Organization (FAO) and the Organisation for Economic Co-operation and Development (OECD), with semi-governmental organizations such as the International Seed Testing Organization (ISTA), and with private (professional) international organizations such as ASSINSEL, CIOPORA, FIS, AIPPI and ICC in order to:

- (i) inform them of the objectives and activities of UPOV;
- (ii) learn about their activities;
- (iii) institute, where appropriate, exchanges of publications, mutual attendance of certain meetings, and other means of cooperation;
- (iv) hear the views of such organizations as to the priorities that ought to be fixed in the field of international cooperation concerning plant breeders' rights and as to other questions of mutual interest.

UV.10 Missions:	17,000
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19. Symposium. At its ninth session, the Consultative Working Committee postponed until a later date the decision on holding the Symposium which it had originally planned to hold in the United Kingdom in 1973. In so doing, it took into account the fact that already in 1974, according to a Council decision (see UPOV/C/VII/21, paragraph 39), UPOV would organize a discussion meeting at governmental level. This discussion meeting of representatives of member and non-member States will take place in October 1974, but it is not regarded as a substitute for the Symposium originally planned. If a Symposium is to be organized in 1975, the decision will have to be taken by the Council at its meeting in October 1974. A Symposium could be organized at a cost of approximately 10,000 Swiss francs if attended by at least 100 participants paying a participation fee of 200 Swiss francs each and if no honorarium is paid to the speakers. In view of the fact that no decision has so far been taken, the draft budget contains no provision for the said Symposium in 1975.

20. Personnel. The Secretariat will consist of the Secretary-General, the Vice-Secretary General and four staff members (P.2/P.3, P.2/P.3, G.6, G.4), representing an addition of one staff member compared with the 1974 level. As indicated in document UPOV/WC/IX/5 of March 28, 1974, which has been distributed to the Consultative Working Committee and the relevant extract of which is attached as Annex IV, the existing workload and the increase in the work of the Office of UPOV can only be handled if a second Administrative and Technical Assistant is employed. The present draft budget therefore includes the cost of such an assistant at grade P.2/P.3 level (82,000 Swiss francs). This assistant should preferably be an official of one of the national offices. Should this post not be approved, the program outlined in the preceding paragraphs will have to be reduced by omitting some of the envisaged meetings and other activities.

UV.11 Personnel: 434,000

Other Administrative Expenses

21. The Secretariat of UPOV will continue to occupy space in the WIPO buildings.

UV.12 Rental: 22,000

22. The Secretariat of UPOV will continue to bear the costs of office furniture and equipment, supplies and other material purchased for the exclusive use of the Secretariat, including office furniture and equipment for the new Administrative and Technical Assistant.

UV.13 Equipment and
Supplies: 7,000

23. Subscriptions to periodicals and the purchase of dictionaries, technical literature, etc., will be necessary.

UV.14 Library: 2,000

24. As in previous years, approximately one percent of the total expenses proper to UPOV is budgeted for expenses not specifically provided for above or for unforeseen expenses.

UV.15 Unforeseen: 6,000

Common Expenses

25. UPOV's share in the common expenses is, where possible, based on a calculation of the services actually rendered by WIPO or on an estimation. Reference is made to WIPO document AB/V/2 of July 22, 1974 (available in English and French only), where specifications and explanations are given. In particular, see WIPO common expense items DC.01, DC.04, DC.05, DC.06, DC.07, DC.08, DC.09, DC.10, DC.12, DC.19, DC.25, DC.26, DC.28, DC.29, DC.30, DC.31, DC.32 and DC.33 and the summary tables of expenditure in Chapter XIII. Attention is also drawn to paragraph 6 of the said document, as well as to paragraph 32. It is to be noted that, in estimating the percentage allocated to UPOV in item DC.01, the salary of the Director General of WIPO was not taken into account. Summary details of these expenses appear in Annex I.

UV.16 Common Expenses: 243,000

PART II: INCOME

26. It is proposed to fix the total amount of the contributions at 670,000 Swiss francs. The income for 1975 would thus be:

Contributions	670,000
Miscellaneous	9,000
TOTAL INCOME	<u>679,000</u>
	=====

27. In proposing the above amount for the contributions, the Secretary General wishes to draw the attention of member States to the fact that, during the past four years, their contributions have undergone practically no change.* The increase of 28.8% in contributions appears indispensable if the program activities proposed are to be carried out and is modest in the light of worldwide inflation over the past four years. Furthermore, this situation had been foreseen and brought to the attention of the Council in the draft program and budget for 1973 (see document UPOV/C/VI/5, Annex I, paragraphs 14 to 19).

PART III: COMPARATIVE TABLE OF INCOME AND EXPENDITURE

28. A comparison of the proposed income and expenditure gives the following results:

Income (see Part II above)	679,000
Expenditure (as per details in Part I summarized in Annex I)	799,000
Deficit	120,000 =====

29. In order to limit the increase in contributions as much as possible, the Secretary General proposes that the above deficit, should it, in fact materialize, be covered from the Reserve Fund amounting, at the end of 1973, to 234,425 Swiss francs. Furthermore, if new member States join the Union before the end of 1974, the value of the contribution unit in respect of the year 1975 for such countries is fixed at 33,500 Swiss francs. Such contributions would be used to reduce any deficit and to increase the Reserve Fund.

30. The Council is invited to adopt the above program and budget.

/Annexes I to IV follow/

*	Actual <u>1971</u>	Actual <u>1972</u>	Actual <u>1973</u>	Actual <u>1974</u>
Contributions	310,000	517,000	520,000	520,000
No. of contribution units	12	20	20	20
Value of a contribution unit	25,833	25,850	26,000	26,000

RECAPITULATION AND COMPARISON
(expressed in thousands of Swiss francs)

<u>1973</u> <u>Actual</u>	<u>1974</u> <u>Budget</u>		<u>1975 Proposed Budget</u>
		<u>INCOME:</u>	
520	520	Contributions	670
10	15	Miscellaneous	9
530	535	TOTAL	679
===	===		===
		<u>EXPENDITURE:</u>	
347	349	Personnel (UV.11)	434
8	19	Missions:	27
		(UV.04 10)	
		(UV.10 17)	
31	23	Conferences:	44
		(UV.01 11)	
		(UV.02 14)	
		(UV.03 1)	
		(UV.04 1)	
		(UV.05 9)	
		(UV.06 6)	
		(UV.07 1)	
		(UV.08 1)	
-	5	Contracts (UV.09)	5
2	4	Printing:	9
		(UV.07 1)	
		(UV.09 8)	
15	20	Rental (UV.12)	22
5	5	Equipment and Supplies (UV.13)	7
1	3	Library (UV.14)	2
-	4	Unforeseen (UV.15)	6
409	432	Total expenses proper to UPOV	556
192*	208*	Common Expenses (UV.16)	243*
601	640	TOTAL EXPENDITURE	799
===	===		===

/Annex II follows/

* Details of common expenses:

<u>1973</u>	<u>1974</u>		<u>1975</u>
150	166	Personnel	200
-	-	Contracts	1
11)	4	Rental	7
) 20	9	Building maintenance	9
1	15	Equipment and supplies	10
9	-	Library	1
1	9	Postage	11
-	3	Telephone	2
	2	Unforeseen	2
192	208		243
===	===		===

CONTRIBUTIONS PAYABLE BY MEMBER STATES
(expressed in Swiss francs)

<u>Actual 1973</u>	<u>Budget 1974</u>	<u>Member States</u>	<u>No. of units</u>	<u>Proposed Budget 1975</u>
39,000	39,000	Denmark	(1½)	50,250
130,000	130,000	France	(5)	167,500
130,000	130,000	Germany (Federal Republic of)	(5)	167,500
52,000	52,000	Netherlands	(2)	67,000
39,000	39,000	Sweden	(1½)	50,250
130,000	130,000	United Kingdom	(5)	167,500
<u>520,000</u>	<u>520,000</u>		<u>(20)</u>	<u>670,000</u>
=====	=====		=====	=====

/Annex III follows/

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ANNEX III

BUDGET HEADINGS AND DEFINITIONS

A. INCOME

"Contributions"

Mandatory contributions payable by member States under Article 26 of the UPOV Convention.

"Miscellaneous"

All other income including bank interest and sales of brochures.

B. EXPENDITURE

"Personnel"

Basic salaries, post adjustments, non-resident allowances, dependency and language allowances, education grants, employer's contribution towards Pension Fund, participation in sickness and accident insurance scheme, recruitment costs, installation and removal expenses, and any other payments made to or on behalf of staff members under the Staff Rules and Regulations.

"Missions"

Cost of travel and daily subsistence allowances and incidentals of the UPOV Secretariat.

"Conferences"

Interpreters, translators, operators of simultaneous interpretation equipment, the cost of serving refreshments and giving receptions, and, where conferences do not take place in the WIPO building, the cost of renting premises and the cost of renting or using simultaneous interpretation equipment.

"Contracts"

Fees for outside translators for translating documents and publications which neither the Secretariat of UPOV nor the Common Services of WIPO can handle.

"Printing"

Cost of paper, printing and binding of reviews, manuals and other publications when such work is done outside WIPO.

"Rental"

Rental value of premises which are used exclusively by the UPOV Secretariat. (This item does not include the contribution of UPOV to the WIPO common expenses for the space occupied by the Common Services.)

"Equipment and Supplies"

Furniture, office machines, supplies and other materials specially purchased for the exclusive use of the UPOV Secretariat.

"Library"

Subscriptions to periodicals, dictionaries and technical literature for the exclusive use of the UPOV Secretariat.

"Unforeseen"

Expenses not specifically provided for above and unforeseen expenses.

"Common Expenses"

Expenses payable to WIPO for services rendered to UPOV. These include contributions towards (a) the cost of staff rendering common services, (b) the cost of premises used by the Common Services, (c) the maintenance of the office buildings, (d) equipment and supplies for the Common Services, (e) postage, telephone and unforeseen.

/Annex IV follows/

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ANNEX IV

Extract from Document UPOV/WC/IX/5 of the Consultative Working Committee

(Ninth Session, held in Geneva from April 2 to 4, 1974)

STAFF MATTERS

Report by the Secretary General

THE PRESENT STAFF

1. Dr. Heribert Mast was appointed Vice-Secretary General by the Federal Council of the Swiss Confederation with effect from March 1, 1974.
2. Thus, at the present time, the staff of the UPOV Office consists of four employees: the Vice-Secretary General (D/1), an Administrative and Technical Assistant (P/2), an Administrative Assistant (G/6), and a Secretary (G/4). The first three are nationals of the Federal Republic of Germany; the Secretary is a national of the United Kingdom.
3. Although both the quality and the quantity of their work are excellent, these four staff members are not sufficient to perform adequately the tasks of the Office, as the quantity of even its present tasks exceeds what can be reasonably expected from them and such tasks will continue to increase in the future, and since it is already certain that some new tasks will have to be assumed as soon as the staff required for their performance is available.

INCREASE OF WORK IN CONNECTION WITH THE PRESENT TASKS

4. Increased Activity of the Technical Working Parties. Whereas in previous years the Technical Working Parties dealt with only a few test guidelines in order to work out a methodology on the basis of the experience gained through working in common, they are now producing guidelines on a large scale. Thirty-eight test guidelines are under active consideration. Work on 21 more test guidelines is scheduled to start in the near future. Though the main work on the substantive questions is done by the members of the Working Parties themselves, very time-consuming tasks are the responsibility of the Secretariat: checking for terminological consistency and possible formal mistakes of the texts prepared by the Working Parties; checking of the translation and typing, in three languages and at several stages of the gradual development of each test guideline, of the texts prepared by the Working Parties; comparison of the texts in various languages for consistency; correspondence with the Chairman and the members of each Working Party to settle inconsistencies and possible mistakes discovered by the staff or to consult them on proposals which may be made by any member between meetings of any Working Group.

5. The increase in this type of work has been gradual and, up to a certain point, it has been possible for the staff to cope with the increased work by working overtime and on non-working days. Even so, by now, several deadlines have been missed and there is a growing backlog. With the expected future increase in the output of the Working Parties, overtime will no longer be a viable solution and the delays will become so long that they will jeopardize the efficiency of their work.

6. On March 12, 1974, the Editorial Committee formally proposed that the staff should check the guidelines for possible inconsistencies. The intelligent performance of this task will make it necessary for one professional staff member to be generally present in the meetings of the Working Parties, of which, as is known, some six have already been fixed for the next three months, the Secretariat being expected to spend some twelve working days on these meetings alone. So far, staff members have not participated in all meetings of the Working Parties.

7. The Technical Steering Committee, in its session of March 12 and 13, 1974, decided that in the course of the preparation of new test guidelines ASSINSEL and CIOPORA should be given the opportunity to express their views at an early stage. In order to make this possible, a whole new procedure for the establishment of new guidelines has been approved. The said two professional organizations would receive the first draft of each guideline prepared by the Technical Working Parties after it had been checked by the Editorial Committee. The observations received would be passed back to the Technical Working Parties, from which the draft would again have to pass through the Editorial Committee before being presented to the Technical Steering Committee for adoption. As it had been decided that all correspondence with the professional organizations should pass through the Secretariat, and since, under this new procedure, more drafts, at more stages, will have to be established by the Secretariat, the Secretariat's work load in this field will considerably increase.

8. Intensification of Efforts to Secure New Members. It is the policy of the Council that more energetic efforts should be made to secure new ratifications and/or accessions with respect to the Convention. To this end, measures will first have to be taken to make UPOV known and to explain its objectives, working methods and achievements. Readily available means of information on these subjects are almost non-existent today. The UPOV Convention has no official English translation. There is no publication giving ready, basic information on UPOV. There is no newsletter or gazette which would keep information up to date.

9. However, the Council has already decided or envisaged the following measures:

(i) the holding of a meeting or meetings with Governments of potential future member States to inform them and to exchange ideas about the obstacles, legal or otherwise, preventing them from becoming members;

(ii) the holding of seminars or other meetings with interested circles in which questions concerning plant variety protection are presented by governmental and other experts and discussed, to create a public opinion favorable to cooperation with and adherence to UPOV;

(iii) study of a possible revision of the Convention to make it more acceptable to present non-member States and to improve some of its provisions in the light of experience gained and changing circumstances.

10. It is obvious that the servicing of these activities will considerably increase the work load of the Secretariat.

INCREASE IN WORK DUE TO NEW TASKS

11. Centralized Examination. One of the expected new tasks is the study of the possibilities of the centralization, at least to some extent, of the official examination of new varieties for which protection is sought. Such centralization would be in the interest of the present member States and of breeders in general, and it might well be the determining reason for which some of the non-member States would join UPOV. If UPOV does not solve this problem, regional organizations may. They could endanger the survival of UPOV, the only organization so far having a worldwide vocation.

12. The study of such a proposal will require a great amount of spade work by the Secretariat and the servicing of special meetings whose convocation will be a practical necessity.

13. Publications. It is believed that, in order to create readily available written information about UPOV, the Office should:

(i) prepare an English version of the Records of the Paris and Geneva Conferences, so far written only in French;

(ii) write and publish a booklet entitled "UPOV General Information";

(iii) publish the text of the UPOV Convention in English and Spanish (it exists in German and French);

(iv) publish a three-monthly news-letter, each issue having only a few pages and being reproduced by means available in the house.

14. Collection of Laws. It is believed that the Office should systematically collect and translate national laws on plant breeders' rights.

15. Such a collection is an indispensable working tool for all those who are interested in international cooperation in the field of plant breeders' rights, whether they be representatives at UPOV meetings or members of the staff. An intelligent examination of the question of the compatibility of the national laws with the Convention cannot be undertaken without such a collection.

16. Other Tasks. The foregoing are by no means a complete enumeration of the tasks that the staff should perform. They are merely those tasks which, in the immediate future, seem to be indispensable and urgent.

THE STAFF REQUIRED

17. In order to cope with the increase in tasks and with at least part of the expected new tasks, it is indispensable to increase the present staff and to rely more heavily on the common services of WIPO.

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