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ORIGINAL: English

DATE: June 28, 1976

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

**Tenth Ordinary Session
Geneva, October 13 to 15, 1976**ANNUAL REPORT OF THE SECRETARY-GENERAL FOR 1975
(Seventh Year)I. State of the Union

1. At the end of 1975, the International Union for the Protection of New Varieties of Plants (UPOV) consisted, as in the preceding year, of the following six member States: Denmark, France, Germany (Federal Republic of), Netherlands, Sweden, United Kingdom.
2. No new instruments of ratification or accession were deposited in the course of the year with respect to the International Convention for the Protection of New Varieties of Plants, of December 2, 1961 (hereinafter referred to as "the UPOV Convention").
3. The Additional Act of November 10, 1972, amending the UPOV Convention has not yet entered into force. So far, Denmark, France and Sweden have ratified the said Act.

II. Staff Matters

4. Mr. André Heitz, national of France, was appointed Administrative and Technical Officer (P.1) on January 6, 1975.

III. Sessions

5. During 1975, the various bodies of UPOV met as listed below (unless otherwise indicated, the sessions took place in Geneva).
6. The Council held its annual session (ninth ordinary session) from October 7 to 10, 1975, under the chairmanship of Mr. B. Laclavière (France). In addition to the member States, two signatory non-member States (Belgium and Switzerland) were represented at the session in an observer capacity. The session was also attended by observers from a number of other interested non-member States which had been invited, namely, Austria, Finland, Hungary, Ireland, Israel, Japan, New Zealand, Norway, Poland, South Africa, Spain and the United States of America. The work of

the Council had been prepared by the Consultative Committee in two sessions: the eleventh session, on March 5 and 6, 1975, and the twelfth session, on October 6 and 7, 1975. The Council took, inter alia, the following decisions:

- (i) Mr. H. Skov (Denmark) was elected Vice-President of the Council of UPOV. He replaces Professor H. Esbo (Sweden).
- (ii) New Chairmen were elected for the different Technical Working Parties: Mr. A.F. Kelly (United Kingdom) for the Technical Working Party for Agricultural Crops, Mr. M. Bischoff (Federal Republic of Germany) for the Technical Working Party for Forest Trees, Mr. F. Brossier (France) for the Technical Working Party for Fruit Crops, Mr. F. Schneider (Netherlands) for the Technical Working Party for Ornamental Plants and Mr. T. Webster (United Kingdom) for the Technical Working Party for Vegetables.
- (iii) The annual report and the accounts for 1974 were approved and the program and budget for 1976 were established. In the discussion on the budget, the Council emphasized the need for economy and made several reductions.
- (iv) The UPOV Model Agreement for International Cooperation in the Testing of Varieties as prepared by the Committee of Experts on International Cooperation in Examination (see paragraph 12 below) was approved. It will serve as a basis for bilateral agreements according to which one office carries out, in respect of certain genera or species, the technical examination work for the other office even where for a given variety no application has been filed in the State of the authority undertaking the test. Under the Model Agreement it is also envisaged that one office should provide the other with test reports already available or under preparation relating to varieties of genera or species not listed in the bilateral agreement.
- (v) The Council expressed its appreciation of the UPOV Newsletter published-- for the first time in 1975--by the Office of the Union, and asked for it to be given the widest possible distribution. It decided that the Newsletter should, as at present, mainly contain items of information but should occasionally also include articles on the legal or technical questions which are of interest to UPOV member States and breeders.

7. The Consultative Committee held its eleventh session on March 5 and 6, 1975, and its twelfth session on October 6, 7 and 9, 1975, under the chairmanship of Mr. B. Laclavière (France).

8. During its eleventh session, it took the necessary decisions for the preparation of the mission of a UPOV delegation to the United States of America and Canada in order to study, on the spot, the US systems for the protection of plant breeders' rights and discuss with government authorities and professional organizations in the United States and Canada the possibility of accession by those countries to the UPOV Convention. This mission took place from September 2 to 17, 1975. The delegation consisted of the President of the Council of UPOV, representatives of five of the six member States of UPOV and the Secretary-General and Vice Secretary-General of UPOV.

9. The Consultative Committee also discussed, among other topics, the possibility of protecting microorganisms under the UPOV Convention, the problem of indicating trademarks to identify reference varieties in guidelines for the conduct of tests for distinctness, homogeneity and stability, the invitation of further States to send observers to Council sessions and the possibility of inviting non-member States and non-governmental organizations in the field of plant breeding and the seed trade to send observers to the third session of the Committee of Experts on the Interpretation and Revision of the Convention.

10. At its twelfth session, the Consultative Committee mainly discussed questions arising from the UPOV budget for 1976 and again the problem of indicating trademarks to identify reference varieties in guidelines for the conduct of tests for distinctness, homogeneity and stability.

11. The Committee of Experts on the Interpretation and Revision of the Convention held its first session from February 25 to 28, 1975, and its second session from December 2 to 5, 1975, under the chairmanship of Mr. H. Skov (Denmark). In both sessions, the Committee considered proposals for a more flexible interpretation, or a revision, of those provisions of the UPOV Convention which could constitute obstacles to the accession of further States to UPOV. These proposals were thoroughly discussed, also in the light of the outcome of the UPOV mission to the United States of America and Canada.

12. The Committee of Experts on International Cooperation in Examination held its second session from January 15 to 17, 1975, its third session from April 15 to 17, 1975, and its fourth session from November 4 to 5, 1975, under the chairmanship of Mr. J.C. Butler (Netherlands). During its second session, the Committee discussed the possibilities of international cooperation in testing of varieties either by way of bilateral agreements or by a multilateral agreement. It finally agreed on a draft for a UPOV Model Agreement for International Cooperation in the Testing of Varieties which should serve as a basis for bilateral agreements between national authorities. During its third session, the Committee discussed this Draft Model Agreement and the question of cooperation in examination in general with representatives of international non-governmental organizations in the field of plant breeding and the seed trade. In its third and fourth sessions, the Committee had an initial exchange of views on the harmonization of fees to be paid in connection with the application for plant breeders' rights, the listing of varieties in the national list and, where applicable, the value-testing, and also on the harmonization of application forms, technical questionnaires and test reports. On April 17, 1975, it held a joint meeting with the Technical Steering Committee for the consideration of some of those subjects. During its fourth session, the Committee agreed on a list of genera and species, in which the authorities of member States would indicate those genera and species for which they were ready to discuss with other authorities the conclusion of bilateral agreements concerning cooperation in examination, especially on the basis of the UPOV Model Agreement.

13. The Technical Steering Committee held its sixth session on April 17 and 18, 1975, under the chairmanship of Mr. J.G. Bustarret (France), and its seventh session on November 6 and 7, 1975, under the chairmanship of Dr. D. Böringer (Federal Republic of Germany). During its sixth session, the Committee discussed, in a joint session with the Committee of Experts on International Cooperation in Examination, the possibility of harmonizing the application forms and the forms for technical questionnaires and test reports that were submitted in connection with applications for plant breeders' rights. It also discussed difficulties in the assessment of colors, as the color charts used at present seemed to be insufficient for the examination of plant varieties. During its seventh session, the Committee discussed methods for the examination of maize hybrids, the technical aspects of the UPOV mission to the United States of America and Canada and, again, the harmonization of test reports and the problems associated with the grouping of colors. With respect to the work of the Technical Working Parties, the Committee adopted the draft Test Guidelines for Carnations and Freesia, referred several test guidelines back to the Technical Working Parties and approved the transmittal of thirteen other draft test guidelines to the professional organizations for comment.

14. The Technical Working Party for Agricultural Crops held its fourth session in Cambridge (United Kingdom), from June 4 to 6, 1975, under the chairmanship of Mr. R. Duyvendak (Netherlands), and discussed the different methods for the testing of grasses. The draft Test Guidelines for Rape, Turnip, Meadow and Tall Fescue and White Clover were finalized. Several workshops were held, dealing mainly with the problems of testing barley, oats, maize and wheat, during which the draft Test Guidelines for Barley and Oats and revised draft Test Guidelines for Wheat were finalized.

15. The Technical Working Party for Forest Trees held its third session in Hanover (Federal Republic of Germany) on August 19 and 20, 1975, under the chairmanship of Mr. E.A. Gøhrn (Denmark), during which it rediscussed the draft Test Guidelines for Poplar, which had been submitted to the professional organizations for comment, started preparing draft Test Guidelines for Picea and rediscussed the problems connected with the protection of multiclone varieties.

16. The Technical Working Party for Fruit Crops held its sixth session in Bordeaux (France) from June 17 to 19, 1975, under the chairmanship of Mr. P.H. Harding (United Kingdom), and completed the draft Test Guidelines for Cherries, Black Currants, European Plums and Raspberries. It further drafted technical questionnaires for the following species: Apples, Black Currants, Cherries, Pears, European Plums and Strawberries.

17. The Technical Working Party for Ornamental Plants held its eighth session in Hornum (Denmark) from September 9 to 11, 1975, under the chairmanship of Mr. F. Schneider (Netherlands), and established technical questionnaires for African violets, carnations, Elatior begonia, Euphorbia fulgens, pelargonium, poinsettia and roses. In addition, comments received from professional organizations on the draft Test Guidelines for Freesia, Carnations and Pelargonium were discussed and the draft Test Guidelines for Rhododendron were completed. The Working Party also discussed the problems associated with the testing of colors.

18. The Technical Working Party for Vegetables held its seventh session in Lund (Sweden) from May 28 to 30, 1975, under the chairmanship of Dr. A. Roux (Federal Republic of Germany), and discussed the remarks of the professional organizations on the draft Test Guidelines for Garden Peas. The draft Test Guidelines for Cabbage, Carrots and Tomatoes were almost completed and technical questionnaires for Garden Peas, Broad Beans, French Beans, Runner Beans and Lettuce were prepared.

19. The Fee Harmonization Working Party and the Working Group on Variety Denominations did not meet in 1975.

IV. Relations with States and Organizations

20. The President of the Council of UPOV and the Vice Secretary-General attended the meetings of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL) held in Rome (Italy) from May 21 to 23, 1975.

21. The Vice Secretary-General attended the Congress of the International Federation of the Seed Trade (FIS) held in Poznan (Poland) from May 26 to 28, 1975, the meeting of the Committee on Novelty Protection of the International Association of Horticultural Producers (AIPH) held at Mannheim (Federal Republic of Germany) on October 15, 1975, and the Advisory Group meeting and the annual meeting of the Schemes for the Varietal Certification of Seed of the Organization for Economic Cooperation and Development (OECD) held in Paris from March 17 to 20, 1975.

22. The Secretary-General visited Government authorities responsible for plant variety protection in France. The Vice Secretary-General visited Government authorities and some enterprises in Denmark and Sweden.

V. Publications

23. During 1975, the Office of the Union started the publication of a UPOV Newsletter and prepared and distributed the first three issues. The Office of the Union also prepared official translations of the Convention and of the Additional Act in Dutch, Italian and Spanish, as required under Article 41(3) of the Convention and Article VIII(2) of the Additional Act. French and German texts of the general information brochure were also published.

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