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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

**Fifteenth Ordinary Session
Geneva, November 10 to 12, 1981**

ANNUAL REPORT OF THE SECRETARY-GENERAL FOR 1980

(Twelfth Year)

I. STATE OF THE UNION

1. In 1980, the International Union for the Protection of New Varieties of Plants (UPOV) recorded an increase in its membership from 11 to 12: On April 18, 1980, Spain deposited its instrument of accession to the International Convention for the Protection of New Varieties of Plants of December 2, 1961, and to the Additional Act of November 10, 1972. It became a member State of UPOV on May 18, 1980. Thus, at the end of 1980, UPOV had 12 member States: Belgium, Denmark, France, Germany (Federal Republic of), Israel, Italy, Netherlands, South Africa, Spain, Sweden, Switzerland, United Kingdom.

2. On July 1, 1980, the United Kingdom deposited its instrument of ratification of the Additional Act of November 10, 1972. It became bound by that Act on July 31, 1980. The Additional Act is now in force for all 12 member States.

3. At the end of 1980, two of the 16 signatory States deposited instruments concerning the Revised Act of October 23, 1978, of the UPOV Convention: New Zealand deposited, on November 3, 1980, its instrument of ratification and the United States of America deposited, on November 12, 1980, its instrument of acceptance. It is recalled that the Revised Act will enter into force one month after the deposit of the last of at least five instruments of ratification, acceptance, approval or accession on condition that at least three of those instruments are deposited by States that are party to the UPOV Convention of December 2, 1961, that is, the present member States mentioned in the first paragraph. Neither New Zealand nor the United States of America being a party to the Convention of 1961, the entry into force of the Revised Act of 1978 thus depends on the deposit of instruments of ratification, acceptance, approval or accession by at least three of the present member States.*

4. The table appearing in the Annex to this report summarizes the positions of the various States vis-à-vis the various Acts of the Convention (with developments in 1981 up to the date of preparation of this document in italics).

* In 1981, up to the date of preparation of this document, three more States have deposited their instruments of ratification, two of them being a party to the Convention of 1961 (present member States): Ireland, May 19; Switzerland, June 17; South Africa, July 21.

II. SESSIONS

5. During 1980, the various bodies of UPOV met as described below. Unless otherwise specified, the sessions took place in Geneva.

6. The Council held its fourteenth ordinary session from October 15 to 17, 1980, under the chairmanship of Mr. H. Skov (Denmark). All 12 member States were represented, as were, by observers, the following non-member States: Australia, Canada, Chile, India, Iran, Ireland, Japan, Mexico, New Zealand, Norway, Poland, United States of America, Yugoslavia. The Food and Agriculture Organization of the United Nations (FAO) and the European Free Trade Association (EFTA) were also represented by observers.

7. The Council session started with a symposium on "The Use of Genetic Resources in the Plant Kingdom." The following lectures were given:

(i) "Gene Banks and Clonal Repositories" by Dr. J.T. Williams, Officer in Charge, Genetic Resources Group, FAO, and Executive Secretary, International Board for Plant Genetic Resources (IBPGR), Rome;

(ii) "The Usefulness of Gene Banks--Perspectives for the Breeding of Plants" by Professor G. Fischbeck, Chair for Plant Growing and Plant Breeding, Technical University of Munich, Freising-Weihestephan, Federal Republic of Germany;

(iii) "Plant Breeders' Rights and the Improvement of Plant Varieties" by Mr. P.W. Murphy, Controller of Plant Variety Rights, The Plant Variety Rights Office, Cambridge, United Kingdom.

8. The lectures were followed by a discussion in which Mr. G. de Bakker, Executive Secretary of the European Cooperative Programme for the Conservation and Exchange of Crop Genetic Resources (Geneva), also participated, as did representatives of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), the International Community of Breeders of Asexually Reproduced Fruit Tree and Ornamental Varieties (CIOPORA) and the International Federation of the Seed Trade (FIS). The records of the symposium are published in issue No. 25 of the UPOV Newsletter.

9. The main decisions taken by the Council were the following:

(i) The report of the Secretary-General on the activities of the Union in 1979 and the first nine months of 1980, and the report on his management and on the financial situation of the Union in 1979, were approved.

(ii) The program and budget for 1981 was examined and approved.

(iii) The progress made by the various committees and technical working parties in their work was noted and their plans for future work were approved. In that connection the following texts were adopted:

(a) a Recommendation on Fees in Relation to Cooperation in Examination, to replace the Resolution on Fee Questions adopted at the Council's seventh ordinary session;

(b) the UPOV Model Agreement for International Cooperation in the Testing of Varieties, as amended to take account of the above-mentioned Recommendation;

(c) a UPOV Model Form for the Interim Report on the Examination of a Variety.

(iv) The following officers were elected:

(a) Dr. W. Gfeller (Switzerland) was elected President of the Council. His term of office will last until the end of the seventeenth ordinary session of the Council (1983);

(b) Mr. W. van Soest (Netherlands) was elected Vice-President of the Council. His term of office will last until the end of the fifteenth ordinary session of the Council (1981);

(c) Mr. P.W. Murphy (United Kingdom) was elected Chairman of the Administrative and Legal Committee. His term of office will last until the end of the seventeenth ordinary session of the Council (1983);

(d) Mr. C. Hutin (France) was elected Chairman of the Technical Committee. His term of office will last until the end of the seventeenth ordinary session of the Council (1983).

10. The Consultative Committee held its twenty-first session on April 16, 1980, and its twenty-second session on October 14 and 17, 1980, both under the chairmanship of Mr. H. Skov (Denmark). At its twenty-first session, the Committee mainly considered the organization of future ordinary sessions of the Council, reviewed the list of States and organizations to be invited to the various UPOV meetings and decided on the arrangements to be made for the participation of UPOV in the ninth Panamerican Seed Seminar, held in Buenos Aires (Argentina) from November 17 to 21, 1980. The twenty-second session was devoted mainly to the preparation of the fourteenth ordinary session of the Council and to a discussion on the theme of the symposium part of the fifteenth ordinary session of the Council (1981).

11. The Administrative and Legal Committee held its fifth session on April 17 and 18, 1980, under the chairmanship of Dr. D. Böringer (Federal Republic of Germany) and with the participation of observers from Canada, Ireland, Japan, Poland, the United States of America and the Commission of the European Communities. It held its sixth session on November 13 and 14, 1980, under the chairmanship of Mr. P.W. Murphy (United Kingdom) and with the participation of observers from Ireland, Japan, the United States of America and the Commission of the European Communities. A Subgroup of the Administrative and Legal Committee held its first session on June 23 and 24, 1980, under the chairmanship of Dr. H. Mast (Vice Secretary-General of UPOV). Denmark, France, Germany (Federal Republic of), Israel, Italy, the Netherlands, Spain, Switzerland and the United Kingdom were represented at the latter session.

12. The main topic at the above sessions was the future program of work relating to the further development of the Union. At its fifth session the Committee identified the following three main fields of activity, noting at the same time that any activity in one of those fields would have a bearing on the other two:

(i) intensification of existing cooperation based on bilateral administrative agreements;

(ii) harmonization of national legislation and practice among member States;

(iii) examination of a system--or systems--of cooperation more far-reaching than the existing one.

13. Harmonization of national legislation and practice among member States was given the highest priority in view of the fact that member States would have to amend their national laws in order to ratify the Revised Act of 1978 of the UPOV Convention, which moreover offered a welcome opportunity for such harmonization. In that connection, the Subgroup established a list of topics concerning plant variety protection law which was further discussed by the Committee at its sixth session.

14. At its fifth session, the Committee finalized the draft Recommendation on Fees in Relation to Cooperation in Examination and, at its sixth session, established the principles governing the practical application of the Recommendation in special cases such as the presence of several applications giving rise to cooperative examination or the withdrawal or rejection of one such application. The principles are to be published in issue No. 26 of the UPOV Newsletter.

15. At its fifth session, the Committee considered, article by article, a revised version of the draft UPOV Model Law on Plant Variety Protection and agreed to the Office of the Union being responsible for finalizing the Model Law.

16. Finally, the Committee recommended to member States that they publish annually, on the date most convenient to them, a list of the protected varieties containing the following information as a minimum: genus or species, variety denomination, name and address of the holder of the title of protection.

17. The Technical Committee held its fifteenth session on March 18 and 19, 1980, under the chairmanship of Mr. A.F. Kelly (United Kingdom) and its sixteenth session from November 10 to 12, 1980, under the chairmanship of Mr. C. Hutin (France). All member States except Israel and Italy were represented at the fifteenth session and all except Italy at the sixteenth session, which was also attended by an observer from the United States of America.

18. At its fifteenth session, the Technical Committee examined the need for the submission of a further seed sample for testing in the second growing season, and agreed that the first submitted sample should, for the purposes of distinctness, be the authentic or reference sample. It also examined the need for the testing of the parental lines of a hybrid variety in addition to the testing of the hybrid variety itself, the possibilities of and need for harmonization and cooperation in testing the pest and disease resistance of varieties and the implications of sophisticated methods such as electrophoresis on the testing of varieties. Discussions on the latter topic continued at the sixteenth session, during which the Committee also considered the possibility of improving the Tables of Characteristics of the Test Guidelines by including further characteristics which were already used in some of the member States, the possibility of establishing a list of all varieties under examination, the problems caused by mutations and those associated with the maintenance of reference collections for vegetatively propagated species and the question of the homogeneity of vegetatively propagated varieties. Discussions on most of these items will continue during the next session.

19. As in previous years, the Committee supervised the work of the five Technical Working Parties. It adopted four revised Test Guidelines, namely for Maize (TG/2/4), for Ryegrass (TG/4/4), for Rose (TG/11/4) and for Poplar (TG/21/7; not yet published) and nine new Test Guidelines, namely for Flax and Linseed (TG/57/3), for Sheep's Fescue and Red Fescue (TG/67/4), for Blackberry (TG/73/3), for Celeriac (TG/74/3), for Cornsalad (TG/75/3), for Sweet Pepper (TG/76/3), for Gerbera (TG/77/3), for Kalanchoë (TG/78/3) and for White Cedar (TG/79/3). It also agreed on some additional amendments to the Test Guidelines for Black Radish (TG/63/3), for Radish (TG/64/3) and for Kohlrabi (TG/65/3), which had already been formally adopted at the previous session.

20. The Technical Working Party for Fruit Crops held its eleventh session at Nelspruit (South Africa), from May 5 to 8, 1980, under the chairmanship of Mr. A. Berning (Federal Republic of Germany). At that session, it completed its work on the draft Test Guidelines for Blackberry and agreed to their submission to the Technical Committee. In addition, it continued its discussion on the working paper on Test Guidelines for Citrus and started discussing working papers on Test Guidelines for Kiwi Fruit, for Japanese Plum, for Persimmon (Kakifruit) and--in a subgroup--for Quince.

21. The Technical Working Party for Agricultural Crops held its ninth session at Wageningen (Netherlands) from May 12 to 14, 1980, under the chairmanship of Miss Jutta Rasmussen (Denmark). At that session, the Working Party completed its work on the draft Test Guidelines for Flax and Linseed and for Sheep's Fescue and Red Fescue and on the drafts for revised Test Guidelines for Maize and for Ryegrass with a view to their submission to the Technical Committee. It prepared comments on a working paper on revised Test Guidelines for Peas established by the Technical Working Party for Vegetables, and on a document called Proposed Harmonized Procedure for Testing Varieties of Lolium spp. for Distinctness, Uniformity and Stability, prepared by the Commission of the European Communities. It started discussions on a working paper on Test Guidelines for Soya Bean. It further agreed that the working papers on revised Test Guidelines for Wheat, for Barley and for Oats prepared by its Subgroup on Cereals should be submitted as first drafts to the professional organizations concerned for comment.

22. The Technical Working Party for Forest Trees held its eighth session at Scharnhorst (Federal Republic of Germany) from August 26 to 28, 1980, under the chairmanship of Mr. F. Schneider (Netherlands). At that session, it completed its work on the draft for revised Test Guidelines for Poplar, bringing it more into line with the comparable system applied by the International Poplar Commission. In addition, it continued its discussion on the draft Test Guidelines for Willow and on the problems connected with the testing of Norway Spruce and approved the draft Test Guidelines for White Cedar established by the Technical Working Party for Ornamental Plants.

23. The Technical Working Party for Ornamental Plants held its thirteenth session at Alnarp (Sweden) from September 16 to 18, 1980, under the chairmanship of Mr. A. George (United Kingdom). At that session, it completed its work on the draft Test Guidelines for Gerbera, for Kalanchoë and for White Cedar, and on the draft for revised Test Guidelines for Rose with a view to their submission to the Technical Committee, and prepared first drafts for revised Test Guidelines for Poinsettia and for Euphorbia Fulgens to be submitted to the professional organizations for comment.

24. The Technical Working Party for Vegetables held its thirteenth session at Lund (Sweden) from September 23 to 25, 1980, under the chairmanship of Mr. J. Brossier (France). At that session, it settled a pending problem with

regard to the already adopted Test Guidelines for Black Radish, for Radish and for Kohlrabi and completed its work on the draft Test Guidelines for Celeriac, for Cornsalad and for Sweet Pepper with a view to their submission to the Technical Committee. In addition, it prepared first drafts for revised Test Guidelines for Peas and for Lettuce, the first-mentioned in cooperation with the Technical Working Party for Agricultural Crops, for submission to the professional organizations for comment.

III. CONTACTS WITH STATES AND ORGANIZATIONS

25. Contacts during the first nine months of 1980 were reported on in document C/XIV/2 Add., which was approved by the Council at its fourteenth ordinary session in October 1980 (see document C/XIV/17, paragraph 10). In addition, the following contacts were made:

26. The Office of UPOV received a delegation from the People's Republic of Hungary during the week from September 7 to 12, 1980. At the invitation of the President of the National Office of Inventions, a UPOV delegation consisting of Dr. D. Böringer (member of the Council), Dr. W. Gfeller (member of the Council) and Dr. H. Mast (Vice Secretary-General of UPOV) discussed plant variety protection matters in Budapest with officials of the National Office of Inventions and the Ministry of Agriculture of the People's Republic of Hungary. A lecture on the organization and activities of UPOV and an explanation of the application of the UPOV system in the member States were given before an audience of invited persons.

27. A UPOV delegation consisting of Dr. D. Böringer (member of the Council), Mr. H. Skov (member of the Council) and Dr. H. Mast (Vice Secretary-General of UPOV) participated in the ninth Panamerican Seed Seminar held in Buenos Aires (Argentina) from November 17 to 21, 1980. The delegation also took part in a discussion on the impact of plant variety protection on plant breeding, public research and the exchange of genetic resources.

28. The Office of UPOV was represented in an observer capacity at the first meeting of the Governing Board of the European Co-operative Programme for Conservation and Exchange of Crop Genetic Resources, held in Geneva from December 15 to 18, 1980.

IV. PUBLICATIONS

29. In 1980, the Office of the Union published four issues of the UPOV Newsletter, brochures containing the Italian and Russian texts of the UPOV Convention of 1961, of the Additional Act of 1972 and of the Revised Act of 1978 of the UPOV Convention (UPOV publications 293(I) and 293(R) respectively), a brochure containing the Spanish text of the Revised Act of 1978 of the UPOV Convention (UPOV publication 295(S)), a UPOV Model Law on Plant Variety Protection in English and Spanish (document UPOV/INF/6) and an updated version of the UPOV General Information Brochure in English, French, German and Spanish (UPOV publications 408(E), (F), (G) and (S) respectively).

[Annex follows]

C/XV/2

ANNEX

MEMBERSHIP OF THE UNION AND STATE OF SIGNATURE OF THE REVISED TEXT OF 1978
(as of January 1, 1981, developments since that date indicated in italics)

* State ³	* CONVENTION OF 1961			** ADDITIONAL ACT OF 1972			** REVISED TEXT OF 1978		
	* Date of Signature	* Date of Deposit * of Instrument ¹	* Date upon which * State became bound	** Date of Signature	* Date of Deposit * of Instrument ¹	* Date upon which * State became bound	** Date of Signature	* Date of Deposit * of Instrument ²	* Date upon which * State became bound
* <u>Belgium</u>	* December 2, 1961	* November 5, 1976	* December 5, 1976	** November 10, 1972	* November 5, 1976	* February 11, 1977	** October 23, 1978	* -	* -
* Canada	* -	* -	* -	** -	* -	* -	** October 31, 1979	* -	* -
* <u>Denmark</u>	* November 26, 1962	* September 6, 1968	* October 6, 1968	** November 10, 1972	* February 8, 1974	* February 11, 1977	** October 23, 1978	* -	* -
* <u>France</u>	* December 2, 1961	* September 3, 1971	* October 3, 1971	** November 10, 1972	* January 22, 1975	* February 11, 1977	** October 23, 1978	* -	* -
* <u>Germany (Federal Republic of)</u>	* December 2, 1961	* July 11, 1968	* August 10, 1968	** November 10, 1972	* July 23, 1976	* February 11, 1977	** October 23, 1978	* -	* -
* Ireland	* -	* -	* -	** -	* -	* -	** September 27, 1979	* <i>May 19, 1981</i>	* -
* <u>Israel</u>	* -	* November 12, 1979	* December 12, 1979	** -	* November 12, 1979	* December 12, 1979	** -	* -	* -
* <u>Italy</u>	* December 2, 1961	* June 1, 1977	* July 1, 1977	** November 10, 1972	* June 1, 1977	* July 1, 1977	** October 23, 1978	* -	* -
* Japan	* -	* -	* -	** -	* -	* -	** October 17, 1979	* -	* -
* Mexico	* -	* -	* -	** -	* -	* -	** July 25, 1979	* -	* -
* <u>Netherlands</u>	* December 2, 1961	* August 8, 1967	* August 10, 1968	** November 10, 1972	* January 12, 1977	* February 11, 1977	** October 23, 1978	* -	* -
* New Zealand	* -	* -	* -	** -	* -	* -	** July 25, 1979	* November 3, 1980	* -
* <u>South Africa</u>	* -	* October 7, 1977	* November 6, 1977	** -	* October 7, 1977	* November 6, 1977	** October 23, 1978	* <i>July 21, 1981</i>	* -
* <u>Spain</u>	* -	* April 18, 1980	* May 18, 1980	** -	* April 18, 1980	* May 18, 1980	** -	* -	* -
* <u>Sweden</u>	* -	* November 17, 1971	* December 17, 1971	** January 11, 1973	* January 11, 1973	* February 11, 1977	** December 6, 1978	* -	* -
* <u>Switzerland</u>	* November 30, 1962	* June 10, 1977	* July 10, 1977	** November 10, 1972	* June 10, 1977	* July 10, 1977	** October 23, 1978	* <i>June 17, 1981</i>	* -
* <u>United Kingdom</u>	* November 26, 1962	* September 17, 1965	* August 10, 1968	** November 10, 1972	* July 1, 1980	* July 31, 1980	** October 23, 1978	* -	* -
* United States of America	* -	* -	* -	** -	* -	* -	** October 23, 1978	* November 12, 1980	* -

¹ of ratification if the State has signed the Convention or the Additional Act, as the case may be; of accession if it has not done so.

² of ratification, approval or acceptance.

³ present member States underlined.