



Disclaimer: unless otherwise agreed by the Council of UPOV, only documents that have been adopted by the Council of UPOV and that have not been superseded can represent UPOV policies or guidance.

This document has been scanned from a paper copy and may have some discrepancies from the original document.

Avertissement: sauf si le Conseil de l'UPOV en décide autrement, seuls les documents adoptés par le Conseil de l'UPOV n'ayant pas été remplacés peuvent représenter les principes ou les orientations de l'UPOV.

Ce document a été numérisé à partir d'une copie papier et peut contenir des différences avec le document original.

Allgemeiner Haftungsausschluß: Sofern nicht anders vom Rat der UPOV vereinbart, geben nur Dokumente, die vom Rat der UPOV angenommen und nicht ersetzt wurden, Grundsätze oder eine Anleitung der UPOV wieder.

Dieses Dokument wurde von einer Papierkopie gescannt und könnte Abweichungen vom Originaldokument aufweisen.

Descargo de responsabilidad: salvo que el Consejo de la UPOV decida de otro modo, solo se considerarán documentos de políticas u orientaciones de la UPOV los que hayan sido aprobados por el Consejo de la UPOV y no hayan sido reemplazados.

Este documento ha sido escaneado a partir de una copia en papel y puede que existan divergencias en relación con el documento original.

UPOV

C/XVI/16

ORIGINAL: English

DATE: October 15, 1982

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

Sixteenth Ordinary Session
Geneva, October 13 to 15, 1982DRAFT REPORT
ON THE DECISIONS OF THE COUNCILprepared by the Office of the UnionOpening of the Session

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its sixteenth ordinary session in Geneva from October 13 to 15, 1982.
2. The session was presided over by the President of the Council, Dr. W. Gfeller (Switzerland).
3. The list of participants is attached as Annex I to this document.
4. A more detailed report will be prepared shortly after the session and will be adopted by correspondence.

Adoption of the Agenda

5. The Council adopted the agenda as appearing in document C/XVI/1.

Lectures and Discussions on "Genetic Engineering and Plant Breeding"

6. The Council devoted its meeting of October 13 to lectures and discussions on "Genetic Engineering and Plant Breeding." The proceedings of the symposium will form the subject of a special publication and will also be published in "Plant Variety Protection."

Present Situation, Problems Arising and Progress Achieved in the Legislative, Administrative and Technical Fields

7. The Council noted the declarations made under this agenda item.
8. The Council also noted the contents of documents C/XVI/5, 6, 7 and 8. The Delegation of Denmark having questioned the usefulness of the said documents, the Council agreed to refer the matter to the Consultative Committee for discussion, after having noted that some delegations, in particular the Delegation of Japan, was very interested in receiving as much information as possible.

0720

Report by the President on the Work of the Twenty-Fifth and Twenty-Sixth Sessions of the Consultative Committee

9. The Council noted the report on the work of the twenty-fifth session of the Consultative Committee as appearing in paragraph 2 of document C/XVI/2 Add., and also the oral report by the President on the work of the twenty-sixth session, where the following decisions were taken, in particular: the discussions on the theme of the next symposium and on the usefulness of holding symposia in connection with ordinary sessions of the Council were deferred until the closing of the symposium held in connection with the present session; some amendments were proposed to the Agreements, Regulations and Rules under the 1978 Text of the UPOV Convention (to be dealt with by the Council under item 11 of the agenda); the Association of Plant Breeders of the European Communities (COMASSO) was to be invited to all meetings to which professional organizations were usually invited, while the National Association of Plant Patent Owners (NAPPO) was to be invited to the information meeting with international nongovernmental organizations to be held on November 15, 1982.

Report by the Secretary-General on the Activities of the Union in 1981 and in the First Nine Months of 1982

10. The Council unanimously approved the report by the Secretary-General as contained in document C/XVI/2 and in its supplement (document C/XVI/2 Add.). In introducing these documents, the Vice Secretary-General drew the attention to the increasing interest shown by the legal profession in plant variety protection.

Report by the Secretary-General on his Management and the Financial Situation of the Union in 1981

11. The Council unanimously approved the report by the Secretary-General contained in document C/XVI/3 and congratulated him on his cost-effective management.

Presentation of the Report Concerning the Auditing of the Accounts for 1981

12. The Council noted the report contained in document C/XVI/3, Annex B, and approved the accounts of the Union for the year 1981.

Progress of the Work of the Administrative and Legal Committee

13. The Council unanimously approved the report on the progress of the work of the Administrative and Legal Committee as contained in document C/XVI/9 and asked the Delegation of the United Kingdom to convey its gratitude to Mr. P.W. Murphy, who had chaired that Committee since the fourteenth ordinary session of the Council (1980) and had now taken over other functions on the national level. The Council unanimously elected Mr. M. Heuver (Netherlands) as Chairman of the Committee for a term of three years, expiring at the end of the nineteenth ordinary session of the Council, in 1985.

14. It further noted with approval the plans for the future work of that Committee as indicated in document C/XVI/9, subject to the following:

(i) A joint meeting with the Technical Committee would be held in the afternoon of November 17, 1982, to discuss the questions of "Minimum Distances Between Varieties" and of the "List of Classes for Variety Denomination Purposes" (and would replace the meeting of a subgroup of the Technical Committee which was to discuss the latter topic);

(ii) The Consultative Committee would decide whether the "Recommendations for the Selection of Variety Denominations by Applicants for Plant Breeders' Rights, for the Decision by the Authorities on the Registrability of Variety Denominations and for the Administrative Procedure" would be the second subject of discussions at the hearing of the international non-governmental organizations scheduled to be held on November 9 and 10, 1983.

0722

Progress of the Work of the Technical Committee and of the Technical Working Parties

15. The Council unanimously approved the report on the progress of the work of the Technical Committee and of the Technical Working Parties as contained in document C/XVI/10 and in its supplement (document C/XVI/10 Add.), and expressed its gratitude to the chairmen of these bodies.

16. It noted with approval the plans for their future work as indicated in the above-mentioned documents. It further noted that Denmark, the Federal Republic of Germany and Japan were involved in various programs relating to colorimetry and color charts and that the Technical Committee would serve as the forum for confronting experience acquired in that area as soon as tangible results would have been obtained.

Agreements, Regulations and Rules under the 1978 Text of the UPOV Convention

17. Discussions were based on documents C/XVI/11, 13 and 14.

18. Draft Agreement between WIPO and UPOV: The Council approved the text as appearing in the Annex to document C/XVI/11, subject to the replacement in the English text of Article 8(2) of "Selection Committee" by "Appointment and Promotion Board" and of "Joint Consultative Committee of WIPO" by "Joint Advisory Committee of WIPO". It also approved the proposals made in paragraph 4 of that document concerning the procedure of conclusion of the Agreement with WIPO.

19. The Council finally noted that the entry into force of the new Agreement would render obsolete the present Rules of Procedure for Technical and Administrative Cooperation between the Union for the Protection of New Varieties of Plants and the World Intellectual Property Organization, as approved by the Government of the Swiss Confederation (UPOV/INF/4, Part I), as well as other rules based on them, such as the Administrative Regulations (UPOV/INF/4, Part IV). It agreed, however, that decisions taken under the present Rules would remain effective. In particular, the level of the indemnity of the Secretary-General would not be fixed again.

20. Rules of Procedure of the Council: The Council unanimously approved its new Rules of Procedure as contained in the Annex to document C/XVI/13 (which were to replace the Rules reproduced in Part II of document UPOV/INF/4), subject to the amendment of Rule 8 to read as follows:

"The Vice Secretary-General of UPOV, or a staff member of the UPOV Office designated by the Vice Secretary-General, shall act as secretary of the Council."

It was also understood that the Office of the Union would make every effort to ensure that, in particular, the document containing the draft program and budget was to be transmitted two months in advance of the starting date of the session of the Council at which it was to be considered.

21. Headquarters Agreement: The Council responded positively, by unanimous decision, to the invitations appearing in paragraphs 4 and 5 of document C/XVI/14.

Examination and Approval of the Program and Budget of the Union for 1983

22. Discussions were based on document C/XVI/4 and on the amended extracts thereof appearing in Annex II to this document.

23. The Council unanimously approved the budget of the Union for 1983 and the annual contributions of member States as appearing in Annex II to this document.

24. Concerning the program of the Union for 1983, the Council decided the following:

0724

(i) in the Introduction, paragraph 2(vii) (Program) was amended to read: "to cooperate with national governments and international organizations in explaining the protection of plant breeders' rights";

(ii) in paragraphs 7.A(v) and (vi) (Salaries and Common Staff Costs), the word "possible" was introduced before "increase" and "increases," respectively;

(iii) the end of paragraph 7.B(b) (Travel on Official Business) was amended to read: "and to the provision for the possible attendance of a Council member at the Panamerican Seed Seminar (6,000 francs)" (item UV.01 being amended accordingly);

(iv) in paragraph 7.C(a) (Contractual Services - Conferences), provision was made for one meeting of the Technical Committee instead of two (item UV.03 being amended accordingly);

(v) in paragraph 7.F (Furniture and Equipment), provision was made for the rental rather than the purchase of an additional word processing workstation;

(vi) in Chapter II (Program and Expenses), item UV.04 (Technical Working Parties) would also provide for a possible meeting of statisticians to develop anticipated discussions on the possibilities for harmonizing the application of electronic data processing by the testing authorities of member States;

(vii) in item UV.05 bis (Hearing of Non-Governmental Organizations), provision was made for two meeting days instead of three.

25. Changes in the figures appearing in the Introduction and in Chapter II of the Draft Program and Budget for 1983 (document C/XVI/4) are not recorded in detail in this report as they can be deducted from the tables appearing in Annex II to this document.

Calendar of Meetings in 1983

26. The Council approved the calendar of meetings for 1983 as appearing in document C/XVI/12 Rev.

[Annexes follow]

0726

C/XVI/16

ANNEX I/ANNEXE I/ANLAGE I

LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS/TEILNEHMERLISTEI. MEMBER STATES/ETATS MEMBRES/VERBANDSSTAATENBELGIUM/BELGIQUE/BELGIEN

- M. J. RIGOT, Ingénieur en chef, Directeur, Ministère de l'agriculture, 36 rue de Stassart, 1050 Bruxelles
- M. R. D'HOOGH, Ingénieur principal, Chef de service, "Protection des obtentions végétales," Ministère de l'agriculture, 36 rue de Stassart, 1050 Bruxelles

DENMARK/DANEMARK/DÅNEMARK

- Mr. H. SKOV, Chief of Administration, Statens Planteavlkontor, Virumgaard, Kongevejen 83, 2800 Lyngby
- Mr. F. ESPENHAIN, Head of Office, Plantenyhedsnaevnet, Tystofte, 4230 Skaelskør

FRANCE/FRANKREICH

- M. Y.P. VAN HAECKE, Sous-directeur des Production végétales, Ministère de l'Agriculture, 3 rue Barbet-de-Jouy, 75007 Paris
- M. M. SIMON, Secrétaire général, Comité de la protection des obtentions végétales, 11, rue Jean Nicot, 75007 Paris
- M. C. HUTIN, Directeur du Groupe d'études et de contrôle des variétés et des semences, INRA/GEVES, La Minière, 78280 Guyancourt

GERMANY (FED. REP. OF)/ALLEMAGNE (REP. FED. D')/DEUTSCHLAND (BUNDESREPUBLIK)

- Dr. D. BÖRINGER, Präsident, Bundessortenamt, Osterfelddamm 80, 3000 Hannover 61
- Mr. W. BURR, Regierungsdirektor, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Rochusstrasse 1, 5300 Bonn

IRELAND/IRLANDE/IRLAND

- Mr. J. MULLIN, Controller of Plant Breeders' Rights, Agriculture House, Kildare Street, Dublin 2

ISRAEL

- Mr. M. SHATON, First Secretary for Economic Affairs, Permanent Mission of Israel, 9 chemin Bonvent, 1216 Cointrin/GE

ITALY/ITALIE/ITALIEN

- Dr. B. PALESTINI, Chief Inspector, Ministry of Agriculture and Forestry, Via XX Settembre, 20, 00187 Rome

0728

JAPAN/JAPON/JAPAN

- Mr. R. YOSHIMURA, Director, Seeds and Seedlings Division, Agricultural Production Bureau, Ministry of Agriculture, Forestry and Fisheries, 1-2-1, Kasumigaseki, Chiyoda-ku, Tokyo
- Mr. T. KATO, First Secretary, Permanent Mission of Japan, 10, avenue de Budé, 1202 Geneva

NETHERLANDS/PAYS-BAS/NIEDERLANDE

- Mr. W.F.S. DUFFHUES, Director, Arable Crops, Horticulture, Ministry of Agriculture and Fisheries, Bezuidenhoutseweg 73, The Hague
- Mr. M. HEUVER, Chairman, Board for Plant Breeders' Rights, Nudestraat 11, 6140 Wageningen
- Mr. K.A. FIKKERT, Legal Adviser, Ministry of Agriculture and Fisheries, Bezuidenhoutseweg 73, The Hague

NEW ZEALAND/NOUVELLE-ZELANDE/NEUSEELAND

- Mr. J.B. JACKMAN, Agricultural Counsellor, New Zealand High Commission, New Zealand House, Haymarket, London SW1 Y4TQ

SOUTH AFRICA/AFRIQUE DU SUD/SÜDAFRIKA

- Mr. J.F. VAN WYK, Director, Division of Plant and Seed Control, Department of Agriculture, Private Bag X179, Pretoria 0001
- Dr. J. LE ROUX, Agricultural Attaché, South African Embassy, 59, Quai d'Orsay, 75007 Paris

SPAIN/ESPAGNE/SPANIEN

- Dr. F. MIRANDA DE LARRA Y ONIS, Director, Instituto Nacional de Semillas y Plantas de Vivero, José Abascal 56, Madrid 3
- M. R. LOPEZ DE HARO Y WOOD, Subdirector Técnico de Laboratorios y Registro de Variedades Comerciales, Instituto Nacional de Semillas y Plantas de Vivero, José Abascal 56, Madrid 3

SWEDEN/SUEDE/SCHWEDEN

- Mr. S. MEJEGÅRD, President of Division of the Court of Appeal, Svea Hovrätt, Box 2290, 103 17 Stockholm
- Mr. L. KÅHRE, Vice-Chairman of the National Plant Variety Board, Statens Utsädeskontroll, 171 73 Solna

SWITZERLAND/SUISSE/SCHWEIZ

- Dr. W. GFELLER, Leiter des Büros für Sortenschutz, Bundesamt für Landwirtschaft, Mattenhofstrasse 5, 3003 Bern
- M. R. GUY, Station fédérale de recherches agronomiques de Changins, 1260 Nyon

0730

UNITED KINGDOM/ROYAUME-UNI/VEREINIGTES KÖNIGREICH

- Mr. F.H. GOODWIN, Controller, Plant Variety Rights Office, White House Lane, Huntingdon Road, Cambridge CB3 0LF
- Mr. A.F. KELLY, Deputy Director, National Institute of Agricultural Botany, Huntingdon Road, Cambridge CB3 0LE

UNITED STATES OF AMERICA/ETATS-UNIS D'AMERIQUE/VEREINIGTE STAATEN VON AMERIKA

- Mr. S.D. SCHLOSSER, Attorney, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce, Washington, D.C. 20231
- Mr. S.B. WILLIAMS, Jr., Attorney, The Upjohn Company, 301 Henrietta Street, Kalamazoo, Michigan 49001

II. OBSERVERS/OBSERVATEURS/BEOBACHTER

AUSTRIA/AUTRICHE/ÖSTERREICH

- Prof. Dr. R. MEINX, Direktor, Bundesanstalt für Pflanzenbau und Samenprüfung, Wien II, Alliiertenstrasse 1

BRAZIL/BRESIL/BRASILIE

- Dr. L.A.B. de CASTRO, Genetic Engineering-Coordinator, EMBRAPA-CENARGEN., C.P. 102372 Brasilia D.F.

CANADA/KANADA

- Mr. W. BRADNOCK, Director, Seed Section, Agriculture Canada, K.W. Neatby Building, 960 Carling Avenue, Ottawa, Ontario K1A0C5

CHILE/CHILI/CHILE

- M. P. BARROS, First Secretary, Permanent Mission of Chile, 56, rue Moillebeau, 1211 Geneva

EGYPT/EGYPTE/ÄGYPTEN

- Prof. F.A. EL-FIKY, Faculty of Agriculture, Department of Genetics, Azhar University, Cairo

HUNGARY/HONGRIE/UNGARN

- Mr. J. BOBROVSZKY, General Director, National Office of Inventions, Legal and International Department, Garibaldi 2, Budapest, V.

IRAN

- M. A. VAEZ ZADEH, Responsable de section de recherches agronomiques, Institut d'amélioration des plantes, Karaj

IVORY COAST/COTE D'IVOIRE/ELFENBEINKÜSTE

- M. B.B. N'DRI, Directeur du projet soja, Ministère de l'agriculture, B.P. V 7, ABIDJAN
- M. N. NOGBOU, Directeur de l'Administration centrale, Ministère de l'agriculture, B.P. V 7, ABIDJAN

0732

NORWAY/NORVEGE/NORWEGEN

Mr. L.R. HANSEN, Chief of Administration, The National Seed Council,
Moerveien 12, 1430 Ås

PANAMA

Mrs. C. DE VASQUEZ, Scientific Advisor, Permanent Mission of Panama, 63, rue de
Lausanne, 1202 Geneva

POLAND/POLOGNE/POLEN

M. J. VIRION, Chef-expert, Ministerstwo Rolnictwa i Gospodarki Żywnościowej,
ul. Wspólna 30, Warszawa

SOVIET UNION/UNION SOVIETIQUE/SOWJETUNION

Mr. Y. GYRDYMOV, Deputy Director, External Relations Department, State Committee
for Inventions and Discoveries, M. Cherkassky per. 2/6, Moscow (Centre)

III. INTERGOVERNMENTAL ORGANIZATIONS/ORGANISATIONS INTERGOUVERNEMENTALES/
ZWISCHENSTAATLICHE ORGANISATIONEN

EUROPEAN ECONOMIC COMMUNITY (EEC)/COMMUNAUTE ECONOMIQUE EUROPEENNE (CEE)/
EUROPAISCHE WIRTSCHAFTSGEMEINSCHAFT (EWG)

M. D.M.R. OBST, Administrateur principal, Commission des Communautés
Européennes, 200, rue de la Loi (Loi 84-7/9), 1049 Bruxelles, Belgique

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)/ORGANISATION DES
NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE (FAO)/ERNÄHRUNGS- UND LAND-
WIRTSCHAFTSORGANISATION DER VEREINTEN NATIONEN (FAO)

Dr. W.P. FEISTRITZER, Chief, Seed Service, Plant Production and Protection
Division, Via delle Terme di Caracalla, 00100 Rome, Italy

IV. OFFICERS/BUREAU/VORSITZ

Dr. W. GFELLER, President
Mr. J. RIGOT, Vice-President

V. OFFICE OF UPOV/BUREAU DE L'UPOV/BÜRO DER UPOV

Dr. A. BOGSCH, Secretary-General
Dr. H. MAST, Vice Secretary-General
Dr. M.-H. THIELE-WITTIG, Senior Counsellor
Mr. A. WHEELER, Senior Officer
Mr. A. HEITZ, Senior Officer

[Annex II follows/
L'annexe II suit/
Anlage II folgt]

0734

ANNEXE II

EXTRACTS OF DOCUMENT C/XVI/4, AS AMENDED

C/XVI/4
page 6

CHAPTER I - SUMMARY OF BUDGET AND COMPARISONS

(expressed in thousands of francs)

1981 Actual	1982 Adopted Budget		1983 Proposed Budget
INCOME			
1,228	1,390	Contributions	1504 1,532(a)
		Other Income	
3	5	- Publications	5
25	20	- Miscellaneous	26
7	-	Utilization of Reserve Fund	-
<u>1,263</u> =====	<u>1,415</u> =====		<u>1535</u> =====
EXPENDITURE			
725	807	UV.09 <u>Staff:</u> Salaries and Common Staff Costs	933
		<u>Travel on Official Business:</u>	
		- <u>Missions [Staff]</u>	
		UV.04 - Technical Working Parties	12 8
		UV.08 - Contacts with Governments and Organizations	25
23	33	- Sub-total	37 33
		- <u>Third Party Travel [non-staff]</u>	
		UV.01 - Council : members	11 6
		: Symposium speakers	8
6	4	- Sub-total	19 14
		<u>Contractual Services:</u>	
		- <u>Conferences</u>	
		UV.01 - Council	10
		UV.02 - Consultative Committee	9
		UV.03 - Technical Committee	18 7
		UV.04 - Technical Working Parties	1
		UV.05 - Administrative and Legal Committee	15
		UV.05 bis - Hearing	8 6
41	43	- Sub-total	58 48
68	74	UV.06 - <u>Printing:</u> Information and Documentation	66
-	4	UV.06 - <u>Other:</u> Information and Documentation	4
30	32	UV.10 <u>General Operating Expenses:</u> Rental of Premises	37
2	4	UV.10 <u>Supplies and Materials</u>	2
8	2	UV.10 <u>Furniture and Equipment</u>	11 5
1	26	UV.10 <u>Other Expenses</u>	11
<u>904</u>	<u>1,029</u>	Sub-total: EXPENSES PROPER TO UPOV	<u>1,181</u> 1153
359	386	*UV.11 Common Expenses	382
<u>1,263</u> =====	<u>1,415</u> =====	TOTAL EXPENSES	<u>1,563</u> 1535 =====

$1504.000 \div 40\% \text{ units} = 37366^{\#}$

(a) ~~As to~~ The value of the contribution unit, see paragraph 8 above.

* Exclusive of UPOV's share in the WIPO common income which is included under "Other Income - Miscellaneous," above.

* 39155 for 1982, i.e. -4.6%

0736

C/XVI/16
Annexe II, page 2

EXTRACTS OF DOCUMENT C/XVI/4, AS AMENDED

C/XVI/4

ANNEX B

YEARLY CONTRIBUTIONS OF MEMBER STATES

(expressed in Swiss francs)

<u>1981</u> <u>Actual</u>	<u>1982</u> <u>Actual</u>	<u>Member States</u>	<u>Number</u> <u>of Units</u> <u>(1983)</u>	<u>1983</u> <u>Draft Budget</u>	
64,650	58,732	Belgium	1.5	57,450	56,050
64,650	58,732	Denmark	1.25 1.0	38,300	46,710
215,500	195,775	France	5.0	191,500	186,832
215,500	195,775	Germany, Federal Republic of	5.0	191,500	186,832
-	39,155	Ireland	1.0	38,300	37,366
21,550	19,577	Israel	0.5	19,150	18,683
86,200	78,310	Italy	2.0	76,600	74,733
-	-	Japan	5.0	191,500	186,832
129,300	117,465	Netherlands	3.0	114,900	112,100
-	39,155	New Zealand	1.0	38,300	37,366
43,100	39,155	South Africa	1.0	38,300	37,366
43,100	39,155	Spain	1.0	38,300	37,366
64,650	58,732	Sweden	1.5	57,450	56,050
64,650	58,732	Switzerland	1.5	57,450	56,050
215,500	195,775	United Kingdom	5.0	191,500	186,832
-	195,775	United States of America	5.0	191,500	186,832
<hr/> 1,228,350	<hr/> 1,390,000		<hr/> 40.0 40.25	<hr/> 1,532,000	<hr/> 1,504,000
=====	=====		=====	=====	=====

[End of Annex B and of document]

[End of document]

0738