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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

**Sixteenth Ordinary Session
Geneva, October 13 to 15, 1982**

REPORT ON THE DECISIONS OF THE COUNCIL

adopted by the CouncilOpening 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 this 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, were very interested in receiving as much information as possible.

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 had been 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 Economic Community (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 non-governmental 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 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 at 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 on 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.

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 those 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 coordinating experience acquired in that area as soon as tangible results had 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 for 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 related decisions taken under the present Rules would remain effective.

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:

(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 both "increase" and "increases";

(iii) the end of paragraph 7.B(b) (Travel on Official Business - Third Party Travel) 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 and experts 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 deduced 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.

1983 Symposium

27. The Council decided that a symposium should be held on the opening day of the seventeenth ordinary session of the Council and should be devoted to lectures and discussion on the theme "Nomenclature."

28. This report was unanimously adopted by the Council at its meeting on October 15, 1982.

[Annexes follow]

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/DÄNEMARK

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

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- 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

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- 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

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ISRAEL

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

ITALY/ITALIE/ITALIEN

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- Mr. R. YOSHIMURA, Director, Seeds and Seedlings Division, Agricultural Production Bureau, Ministry of Agriculture, Forestry and Fisheries, 1-2-1, Kasumigaseki, Chiyoda-ku, Tokyo
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NETHERLANDS/PAYS-BAS/NIEDERLANDE

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- Mr. M. HEUVER, Chairman, Board for Plant Breeders' Rights, Nuestraat 11, 6140 Wageningen
- Mr. K.A. FIKKERT, Legal Adviser, Ministry of Agriculture and Fisheries, Bezuidenhoutseweg 73, The Hague

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- 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

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Mr. J. RIGOT, Vice-President

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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]

EXTRACTS FROM DOCUMENT C/XVI/4, AS AMENDED

C/XVI/4

ANNEX B

YEARLY CONTRIBUTIONS OF MEMBER STATES

(expressed in Swiss francs)

1981 Actual	1982 Actual	Member States	Number of Units (1983)	1983 Draft Budget	
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
<u>1,228,350</u>	<u>1,390,000</u>		<u>40.0</u> <u>40.25</u>	<u>1,532,000</u>	<u>1,504,000</u>
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