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UPOV

C/XVIII/13

ORIGINAL: English

DATE: October 19, 1984

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

Eighteenth Ordinary Session Geneva, October 17 to 19, 1984

REPORT ON THE DECISIONS OF THE COUNCIL

adopted by the Council

Opening of the Session

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its eighteenth ordinary session in Geneva from October 17 to 19, 1984.
2. The session was presided over by the President of the Council, Mr. J. Rigot (Belgium).
3. The list of participants is attached as Annex I to this report.
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 reproduced in document C/XVIII/1.

Lectures and Discussions on "Industrial Patents and Plant Breeders' Rights - Their Proper Fields and Possibilities for Their Demarcation"

6. The Council devoted its meeting of October 17 to lectures and discussions on "Industrial Patents and Plant Breeders' Rights - Their Proper Fields and Possibilities for Their Demarcation." The proceedings of this symposium will be 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/XVIII/5, 6, 7 and 8. It was mentioned that statistics on the total number of plant patents issued in the United States of America would be published in a supplement to document C/XVIII/8. Concerning document C/XVIII/7, it was underlined that Belgium, New Zealand, Sweden and Switzerland had now joined the States supplying examination reports to others in the framework of cooperation.

Report by the President on the Work of the Twenty-Ninth and Thirtieth Sessions of the Consultative Committee

9. The Council noted the report on the work of the twenty-ninth session of the Consultative Committee as given in paragraph 3 of document C/XVIII/2 Add., and also the oral report by the President on the work of the thirtieth session.

Report by the Secretary-General on the Activities of the Union in 1983 and in the First Nine Months of 1984

10. The Council unanimously approved the report by the Secretary-General as contained in document C/XVIII/2 and in its supplement (document C/XVIII/2 Add.).

Report by the Secretary-General on his Management and on the Financial Situation of the Union in 1983

11. The Council unanimously approved the report by the Secretary-General as contained in document C/XVIII/3.

Presentation of the Report Concerning the Auditing of the Accounts for 1983

12. The Council noted the report contained in document C/XVIII/3, Annex B, and approved the accounts of the Union for the year 1983.

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/XVIII/9.

14. It further noted with approval the plans for the future work of that Committee as indicated in document C/XVIII/9. It agreed to the proposal that a small working group, consisting of experts of member States and the Vice Secretary-General, should examine the implications of the development of plant biotechnology on the protection of new plant varieties. The actual composition, the terms of reference and the working procedures of the group would be settled by the Administrative and Legal Committee at its next session on the basis of a short document to be prepared by the Office of the Union.

15. The Council adopted the documents presented in the supplements to document C/XVIII/9, i.e.:

(i) the Model Administrative Agreement for International Cooperation in the Testing of Varieties, including the note to be added to it in the Collection of Important Texts and Documents;

(ii) the Model Form for an Application for Plant Breeders' Rights, including the instructions for converting the model form into national forms;

(iii) the Model Form for an Application for a Variety Denomination, including the instructions for converting the model form into national forms;

(iv) the UPOV Recommendations for Variety Denominations (subject to editing by the Office of the Union).

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

16. 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/XVIII/10 and in its supplement (document C/XVIII/10 Add.).

17. It noted with approval the plans for their future work as indicated in the above-mentioned documents, and it agreed that the Technical Committee should also examine at its next session the consequences of the recent decision of the Plant Varieties and Seeds Tribunal of the United Kingdom in the 'Moulin' wheat variety case.

Periodicity of Budgets and Medium Term Plans

18. The Council decided that biennial budgets and medium term plans should be introduced as proposed in document C/XVIII/11.

Examination and Approval of the Program and Budget of the Union for 1985

19. Discussions were based on document C/XVIII/4 and on the amended extracts therefrom appearing in document C/XVIII/4 Add.

20. The Council approved the budget of the Union for 1985 as summarized in the Annex to document C/XVIII/4 Add. The delegation of the United States of America voted against and declared that it could not accept the proposed budget, even as amended, for failure to comply with the fiscal requirements of its Government for intergovernmental organizations. The delegations of France and Israel abstained.

21. Several delegations stressed the need for economies. The delegation of the Netherlands said that the budget for the biennium 1986/1987 should be based on the results of the financial year 1984 and on an inflation rate of 4% and that, in its opinion, the budget for 1987 could then be fixed at 1,800,000 Swiss francs. The Secretary-General, supported by several delegations, stressed that economies exceeding the amount resulting from the rate of the increases in cost could only be achieved by reducing the program activities and that it was for the member States to decide what program activities should be discontinued or reduced. The Council agreed that the Consultative Committee should look into this matter and establish guidelines for the 1986/1987 program and budget and the first six-year medium term plan at its next session. The Secretary-General said that the provisional financial results of the year 1984 would be available in the March 1985 session of the Consultative Committee.

22. In view of the success of the symposium held in connection with the present Council session and of the great value of such symposia as tools for the achievement of the objectives of UPOV, the Council decided that the Consultative Committee should reconsider the decision that symposia should be held only once every two years in alternation with meetings with international organizations in order to examine the possibility of organizing a symposium in connection with the October 1985 session of the Council.

Calendar of Meetings in 1985

23. The Council approved the calendar of meetings for 1985 as appearing in Annex II to this document.

Elections

24. The Council unanimously elected the following officers for a term of office of three years, expiring at the end of the twenty-first ordinary session of the Council, in 1987:

(i) Mr. J. Guiard (France) as Chairman of the Technical Working Party for Agricultural Crops;

(ii) Mr. F. Schneider (Netherlands) as Chairman of the Technical Working Party for Fruit Crops;

(iii) Mr. B. Bar-Tel (Israel) as Chairman of the Technical Working Party for Ornamental Plants and Forest Trees;

(iv) Mr. J. Habben (Federal Republic of Germany) as Chairman of the Technical Working Party for Vegetables.

Other Business

25. The Council decided that the Consultative Committee should examine at its next session the question of inviting observers from intergovernmental organizations to the meetings of the technical bodies of UPOV.

26. This report was unanimously adopted by the Council at its meeting of October 19, 1984.

[Annexes follow]

[The following text is extremely faint and illegible due to low contrast and scan quality. It appears to be a multi-paragraph document, possibly a letter or report, but the specific content cannot be transcribed.]

LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS
TEILNEHMERLISTE

I. MEMBER STATES/ETATS MEMBRES/VERBANDSSTAATEN

BELGIUM/BELGIQUE/BELGIEN

- M. J. RIGOT, Ingénieur en chef, Directeur au Ministère de l'agriculture, Manhattan Center, 21, Avenue du Boulevard, 14^e étage, 1000 Bruxelles
- M. R. D'HOOGH, Ingénieur principal, Chef de service, "Protection des obtentions végétales," Ministère de l'agriculture, Manhattan Center, 21, Avenue du Boulevard, 14^e étage, 1000 Bruxelles

DENMARK/DANEMARK/DÄNEMARK

- Mr. H. SKOV, Chief of Administration, State Plant Production Office, Virumgaard, Kongevejen 83, 2800 Lyngby
- Mr. F. ESPENHAIN, Head of Office, Board for Plant Novelties, Tystofte, 4230 Skaelskør

FRANCE/FRANKREICH

- M. M.N. SIMON, Secrétaire général, Comité de la protection des obtentions végétales, 17, avenue de Tourville, 75007 Paris

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

- Dr. D. BÖRINGER, Präsident, Bundessortenamt, Postfach 61 04 40, 3000 Hannover 61
- Dr. E. HEINEN, Ministerialrat, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Rochusstrasse 1, 5300 Bonn

HUNGARY/HONGRIE/UNGARN

- Dr. B. SZALOCZY, Director General, Institute for Plant Cultivation and Qualification, Ministry of Agriculture and Food, P.O. Box 93, 1525 Budapest 114
- Dr. J. BOBROVSZKY, Head of Division, Legal and International Department, National Office of Inventions, P.O. Box 552, 1370 Budapest 5

IRELAND/IRLANDE/IRLAND

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

ISRAEL

- Dr. M. HOFFMAN-HADAR, Chairman, Plant Breeders' Rights Council, Agricultural Research Organization, Volcani Center, P.O. Box 6, Bet Dagan 50 250

JAPAN/JAPON/JAPAN

- Mr. M. TSUCHIYAMA, 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, Switzerland

NETHERLANDS/PAYS-BAS/NIEDERLANDE

- Mr. W.F.S. DUFFHUES, Director, Arable Crops and Horticulture, Ministry of Agriculture and Fisheries, Bezuidenhoutseweg 73, The Hague
- Mr. M. HEUVER, Chairman, Board for Plant Breeders' Rights, Nudestraat 11, 6700 AC Wageningen
- Mr. K.A. FIKKERT, Legal Adviser, Ministry of Agriculture and Fisheries, Bezuidenhoutseweg 73, The Hague

NEW ZEALAND/NOUVELLE-ZELANDE/NEUSEELAND

- Mr. P.N. BAIGENT, Agricultural Counsellor, New Zealand High Commission, New Zealand House, Haymarket, London SW1Y 4TQ, United Kingdom

SOUTH AFRICA/AFRIQUE DU SUD/SÜDAFRIKA

- Dr. J. LE ROUX, Agricultural Counsellor, South African Embassy, 59, Quai d'Orsay, 75007 Paris, France
- Dr. J. GROBLER, Agricultural Counsellor, South African Embassy, Trafalgar Square, London WC2N 5DP, United Kingdom
- Mr. D.C. LOURENS, Deputy Director, Department of Agriculture, Division of Plant and Seed Control, Private Bag X179, Pretoria

SPAIN/ESPAGNE/SPANIEN

- M. R. LOPEZ DE HARO Y WOOD, Subdirector Técnico de Laboratorios y Registro de Variedades, Instituto Nacional de Semillas y Plantas de Vivero, José Abascal 56, 28003 Madrid
- M. J.-M. ELENA ROSSELLO, Jefe del Registro de Variedades, Instituto Nacional de Semillas y Plantas de Vivero, José Abascal 56, 28003 Madrid

SWEDEN/SUEDE/SCHWEDEN

- Mr. S. MEJEGÅRD, President of Division of the Court of Appeal, Armfeltsgatan 4, 115 34 Stockholm
- Prof. 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

UNITED KINGDOM/ROYAUME-UNI/VEREINIGTES KÖNIGREICH

- Mr. F.H. GOODWIN, Controller of Plant Variety Rights, Plant Variety Rights Office, White House Lane, Huntingdon Road, Cambridge CB3 0LF
- Mr. K.A. MOSTON, Principal, Plant Variety Rights Office, White House Lane, Huntingdon Road, Cambridge CB3 0LF

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., Associate Patent Counsel, The Upjohn Company, 301 Henrietta Street, Kalamazoo, Michigan 49001

II. OBSERVER STATES/ETATS OBSERVATEURS/BEOBACHTERSTAATEN

AUSTRIA/AUTRICHE/ÖSTERREICH

Dr. J. STEINBERGER, Abteilungsleiter für Registrierprüfung, Bundesanstalt für Pflanzenbau, Postfach 64, 1201 Wien

NORWAY/NORVEGE/NORWEGEN

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

PERU/PEROU/PERU

M. A. MASSA, Deuxième secrétaire, Mission permanente du Pérou, 63, rue de Lausanne, 1202 Genève, Suisse

POLAND/POLOGNE/POLEN

M. J. VIRION, Chef-expert au Ministère de l'agriculture et de l'économie alimentaire, Ministerstwo Rolnictwa, 30, rue Wspolna, Warszawa

III. INTERGOVERNMENTAL ORGANIZATIONS/ORGANISATIONS INTERGOUVERNEMENTALES/
ZWISCHENSTAATLICHE ORGANISATIONENEUROPEAN ECONOMIC COMMUNITY (EEC)/COMMUNAUTE ECONOMIQUE EUROPEENNE (CEE)/
EUROPÄISCHE WIRTSCHAFTSGEMEINSCHAFT (EWG)

M. D.M.R. OBST, Administrateur principal, 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
LANDWIRTSCHAFTSORGANISATION DER VEREINTEN NATIONEN (FAO)

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

IV. OFFICERS/BUREAU/VORSITZ

Mr. J. RIGOT, President
Mr. S.D. SCHLOSSER, 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. HEITZ, Senior Officer
Mr. A. WHEELER, Senior Officer
Mr. K. SHIOYA, Associate Officer

VI. OFFICE OF WIPO/BUREAU DE L'OMPI/BÜRO DER WIPO

Mr. M. LAGESSE, Controller

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

Dates for Meetings in 1985Council

October 17 and 18

Consultative Committee

March 29
October 14

Administrative and Legal Committee

March 27 and 28
November 14 and 15

Technical Committee

November 12 and 13

Technical Working Party for Agricultural Crops

June 5 to 7, Hanover, Federal Republic of Germany
Subgroup on June 4 at the same place

Technical Working Party on Automation and Computer Programs

May 8 to 10, Wageningen, Netherlands

Technical Working Party for Fruit Crops

June 19 to 21, Aarslev, Denmark
Subgroup on June 18 at the same place

Technical Working Party for Ornamental Plants and Forest Trees

June 25 to 27, Aarslev, Denmark
Subgroups on June 24 at the same place and at Aars, Denmark

Technical Working Party for Vegetables

July 9 to 12, Cambridge, United Kingdom
Subgroup July 8 at the same place

Meeting with International Organizations

October 15 and 16

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