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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

Twentieth Ordinary Session
Paris, December 2, 1986

REPORT

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 twentieth ordinary session in Paris on December 2, 1986. The list of participants is given at Annex I hereto.
2. The session was opened by the President of the Council, Mr. J. Rigot (Belgium), who welcomed the participants.

Adoption of the Agenda

3. The Council adopted the agenda as given in document C/XX/1 Rev.

Adoption of the Report on the Sixth Extraordinary Session of the Council

4. The Council adopted the report on its sixth extraordinary session held on September 29, 1986, as given in document C(Extr.)/VI/1 Prov.

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

5. The Council noted the written reports of the representatives of States (member States and observer States) and of international organizations given in documents C/XX/4 and C/XX/4 Add. Two further reports received by the Office of the Union after the closing of the session, from the United States of America and Israel, are given at Annexes II and III, respectively, hereto.
6. The President summarized the development of the situation. He emphasized that numerous member States were currently undertaking an adaptation of their legislation. The proposal, put forward by the Delegation of the Federal Republic of Germany at a preceding session of the Consultative Committee, that the possibilities of improving the UPOV Convention be examined seemed to him

to be opportune and to correspond, in fact, to a necessity. He then noted that the number of applications for protection and the number of titles granted was constantly growing. It therefore seemed that the protection of plant varieties was a sought-after and useful form of protection. The increase resulted partly from the growing number of genera and species that were protected, which again was due in part to the increase in cooperation in examination. It was also due to the fact that protection provided an incentive to the creation of varieties. However, the particularly high rate of growth in the volume of activities concerning ornamentals meant that there was a need to take more account of the needs and wishes of breeders in that specific field. Finally, the President noted that one of the main concerns of member States was to maintain free access to genetic resources, without which no plant breeding could take place.

7. The Representative of the Federal Republic of Germany, referring to the report submitted by the Representative of Denmark, welcomed the fact that the conclusions from the study trip undertaken by the latter to the United States of America corresponded with those of the UPOV mission that had visited that same country in September 1975. He was also happy to note that the two systems of examination worked well. However, he did not believe that the system used in the United States of America could be simply transposed to the European member States of UPOV. The pilot project that was to be set up by the Danish authorities therefore appeared most useful to him.

8. The Council noted documents C/XX/5, C/XX/6, C/XX/7 and C/XX/8.

9. The Office of the Union drew attention to the fact that document C/XX/5 had lost some of its value as a reference document on cooperation in examination as a result of the new distribution of tasks between the member States carrying out cooperative examination that was still in the process of negotiation.

Report by the President on the Work of the Thirty-third and Thirty-fourth Sessions of the Consultative Committee

10. The Council noted the report on the work of the Consultative Committee contained in paragraph 5 of document C/XX/2 Add., together with the oral report given by the President on the work of the thirty-third and thirty-fourth sessions.

Report by the Secretary-General on the Activities of the Union in 1985 and the First Nine Months of 1986

11. The Council unanimously approved the report by the Secretary-General given in document C/XX/2 and in its addendum (document C/XX/2 Add.).

Report by the Secretary-General on his Management and the Financial Situation of the Union in 1985

12. The Representative of Japan announced that, in view of the specific features of the budgeting system in his country, he would in due time propose an amendment to the UPOV Financial Regulations so that member States' contributions would fall due in April instead of January. He requested the Council to note his intention.

13. The Secretary-General observed that it was not possible to adapt the UPOV Financial Regulations to the special features of the budgeting systems of all the member States. Furthermore, for obvious practical reasons, the Regulations were aligned on those of WIPO. The Secretary-General considered that the solution would be for the Japanese authorities to enter the contribution to UPOV in the national budget preceding UPOV's financial exercise. In any event, the member States had to provide a margin of safety to allow for possible monetary fluctuations.

14. The Representative of Japan thanked the Secretary-General for his explanations and stated that he would submit his suggestions to a more detailed examination.

Report on the Auditing of the Accounts for 1985

15. The Council noted the report given at Annex B to document C/XX/3 and approved the Union's accounts for 1985.

Designation of Auditor

16. The Council noted document C/XX/12 and renewed the designation of Switzerland as auditor of the accounts of UPOV up to the end of the financial year 1989.

17. The Council thanked Switzerland for its assistance.

Progress of the Work of the Administrative and Legal Committee

18. Discussions were based on document C/XX/9 and on the oral report by the Chairman of the Committee, Mr. F. Espenhain (Denmark), on the work of the eighteenth session held on November 18 and 19, 1986.

19. In his report, the Chairman of the Committee highlighted the following matters:

(i) The Committee had noted the lists of priorities in relation to extension of protection submitted by various professional organizations; work on that question was to continue at the following session.

(ii) The Committee had held a short discussion on a document on minimum distances between varieties and had transmitted it to the Technical Committee after having confirmed those decisions it had previously taken on that question.

(iii) As a result of the temporary lack of staff at the Office of the Union, the Biotechnology Subgroup had not yet been able to submit a report in compliance with its terms of reference; following its meeting on November 17, 1986, it had presented to the Committee a number of proposals for amendments to the UPOV Convention.

(iv) The work on the scope of protection afforded under Article 5 of the Convention and on the UPOV Recommendations on Variety Denominations were to be continued at the next session; given the state of the discussions, the Committee had not felt that CIOPORA's request to officially recognize its denomination code system as international practice could be agreed to.

(v) A motion adopted by the Vegetable Seed Section of the International Federation of the Seed Trade (FIS), reproduced at Annex IV hereto, had been submitted to the Committee; having noted that the wording of that motion was very similar to that of the Recommendation on Article 5 of the Convention adopted by the 1978 Diplomatic Conference, it had decided to request the Council to draw the attention of the member States to the motion and to the Recommendation in question.

20. Finally, the Chairman of the Committee pointed out that the Consultative Committee had agreed at its thirty-fourth session to request the Council to instruct the Administrative and Legal Committee to examine in more detail the possibilities of improving the UPOV Convention and had set out certain aspects of those terms of reference.

21. The Council:

(i) took note of the work carried out by the Administrative and Legal Committee and its Subgroup and the results obtained by those two bodies,

(ii) adopted the UPOV Recommendations on the Harmonization of the Lists of Protected Species given at Annex V hereto,

(iii) took note of the motion of the Vegetable Seed Section of FIS given at Annex IV hereto and stressed the importance of the Recommendation on Article 5 of the Convention adopted at the 1978 Diplomatic Conference,

(iv) approved the program of work drawn up by the Administrative and Legal Committee and the Consultative Committee.

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

22. Discussions were based on document C/XX/10 and on the oral report by the Chairman of the Committee, Mr. J.-M. Elena Rossello (Spain), on the twenty-second session held on November 20 and 21, 1986.

23. In his oral report, the Chairman of the Committee highlighted the following matters:

(i) The Committee had adopted six new versions and two new documents for test guidelines.

(ii) The Committee had agreed to introduce a new statistical method for interpreting the distinctness data (combined over-years analysis) for grasses and was to look into the possibilities of using this method for other species also.

(iii) the Committee had adopted a revised version of the UPOV Model Variety Description Form.

24. The Council took note of the work carried out by the Technical Committee and the Technical Working Parties.

Calendar of Meetings in 1987

25. The Council adopted the calendar of meetings in 1987 as given at Annex VI hereto.

Elections

26. The Council unanimously elected the following officers for a three-year term of office that would end with the twenty-third ordinary session of the Council, in 1989:

(i) Mr. S.D. Schlosser (United States of America) was elected President of the Council;

(ii) Mr. W.F.S. Duffhues (Netherlands) was elected Vice-President of the Council;

(iii) Mr. J.K. Doodson (United Kingdom) was elected Chairman of the Technical Committee;

(iv) Mr. G. Fuchs (Federal Republic of Germany) was elected Deputy-Chairman of the Technical Committee.

27. The Council expressed its gratitude to the outgoing President of the Council, Mr. J. Rigot (Belgium), and the outgoing Chairman of the Technical Committee, Mr. J.-M. Elena Rossello (Spain), for the work they had accomplished at the head of those bodies.

28. Mr. S.D. Schlosser asked to be relieved of the chairmanship of the Biotechnology Subgroup of the Administrative and Legal Committee. The Council accepted his request and agreed that a new chairman would be appointed at the forthcoming sessions of those bodies.

29. The Council adopted the proposal made by the Technical Committee that the term of office of the current Chairman of the Technical Working Party on Automation and Computer Programs, Mrs. V. Silvey (United Kingdom), be extended for a further year.

30. This report has been adopted by correspondence.

[Annexes follow]

C/XX/13
ANNEX I/ANNEXE I/ANLAGE I

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, 39, route d'Anderlues, 6530 Thuin
- M. M. PISCAGLIA, Inspecteur général, Administration de l'agriculture et de l'horticulture, Ministère de l'agriculture, Manhattan Center, Office Tower, 21 avenue du Boulevard, 1210 Bruxelles
- M. W.J.G. VAN ORMELINGEN, Ingénieur agronome, Service de la protection des obtentions végétales, Ministère de l'agriculture, Manhattan Center, Office Tower, 21, avenue du Boulevard, 1210 Bruxelles

DENMARK/DANEMARK/DAENEMARK

- Mr. F. ESPENHAIN, Head of Office, Board for Plant Novelties, Tystofte, 4230 Skaelskør

FRANCE/FRANKREICH

- M. G. GEOFFROY, Sous-directeur des productions végétales, Ministère de l'agriculture, 3, rue Barbet de Jouy, 75005 Paris
- M. M.N. SIMON, Secrétaire général, Comité de la protection des obtentions végétales, 11, rue Jean Nicot, 75007 Paris
- M. E. FONTANA, Président, Comité de la protection des obtentions végétales, 11, rue Jean Nicot, 75007 Paris
- Mlle N. BUSTIN, Secrétaire général adjoint, Comité de la protection des obtentions végétales, 11, rue Jean Nicot, 75007 Paris

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

- Dr. D. BÖRINGER, Präsident, Bundessortenamt, Postfach 61 04 40, 3000 Hannover 61
- Mr. W. BURR, Ministerialrat, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Rochusstrasse 1, 5300 Bonn
- Mr. H. KUNHARDT, Leitender Regierungsdirektor, Bundessortenamt, Postfach 61 04 40, 3000 Hannover 61

HUNGARY/HONGRIE/UNGARN

- Dr. G. PUSZTAI, Président, Office national des inventions, Orszagos Talalmanyi Hivatal, Garibaldi-u.2, B.P. 552, 1370 Budapest 5
- 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 Legal and International Department, National Office of Inventions, P.O. Box 552, 1370 Budapest 5

IRELAND/IRLANDE/IRLAND

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

JAPAN/JAPON/JAPAN

- Mr. M. KAKIBAYA, Director of Seeds and Seedlings Division, Agricultural Production Bureau, Ministry of Agriculture, Forestry and Fisheries, 1-2-1, Kasumigaseki, Chiyoda-ku, Tokyo
- M. T. SAWANO, Premier secrétaire, Délégation permanente du Japon auprès de l'Organisation de Coopération et de Développement Economiques, 7, avenue Hoche, 75008 Paris, France

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, Postbus 104, 6700 AD Wageningen
- Mr. K.A. FIKKERT, Legal Adviser, Ministry of Agriculture and Fisheries, Bezuidenhoutseweg 73, The Hague
- Mr. H. VAN ARKEL, Secretary of the Board for Plant Breeders' Rights, Postbus 104, 6700 AD Wageningen
- Mrs. C.G.M. KLITSIE, Ministry of Agriculture and Fisheries, Bezuidenhoutseweg 73, The Hague

NEW ZEALAND/NOUVELLE-ZELANDE/NEUSEELAND

- M. E.J. STONYER, Premier secrétaire, Affaires agricoles, Ambassade de Nouvelle-Zélande à Paris, 7ter, rue Léonard de Vinci, 75116 Paris

SOUTH AFRICA/AFRIQUE DU SUD/SUEDAFRIKA

- Dr. A.D. NIEUWOUDT, Director, Directorate of Plant and Seed Control, Department of Agricultural Economics and Marketing, Private Bag X179, 0001 Pretoria
- Mr. J.U. RIETMANN, Agricultural Counsellor, South African Embassy, 59, Quai d'Orsay, 75007 Paris, France

SPAIN/ESPAGNE/SPANIEN

- Sr. 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
- Sr. J.-M. ELENA ROSSELLO, Jefe del Registro de Variedades, Instituto Nacional de Semillas y Plantas de Vivero, José Abascal 56, 28003 Madrid
- Sr. M. VADELL, 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. KÄHRE, Vice-Chairman, Department of Plant Husbandry, Swedish University of Agricultural Sciences, Box 7042, 75007 Uppsala
- Mr. O. SVENSSON, National Plant Variety Board, Box 1247, 171 24 Solna

SWITZERLAND/SUISSE/SCHWEIZ

- Dr. F. FREY, Eidg. Forschungsanstalt für Landwirtschaftlichen Pflanzenbau, Reckenholzstrasse 191/211, 8046 Zürich-Reckenholz
- Dr. S. PÜRRO, Bundesamt für geistiges Eigentum, Einsteinstrasse 2, 3003 Bern
- M. A. REIST, Station fédérale de recherches agronomiques, 1964 Contthey
- M. F. KELLER, Eidg. Forschungsanstalt, 8820 Wädenswil
- M. J.G. RAEBER, Ciba-Geigy S.A., R-1101 A, Postfach 114, 4002 Basel

UNITED KINGDOM/ROYAUME-UNI/VEREINIGTES KOENIGREICH

- Mr. J. HARVEY, Controller, Plant Variety Rights Office, White House Lane, Huntingdon Road, Cambridge CB3 0LF
- Mr. J. ROBERTS, Senior Executive Officer, 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. B.S. WILLIAMS, Jr., Patent Law Department, The Upjohn Company, Kalamazoo, 49001 Michigan

II OBSERVER STATES/ETATS OBSERVATEURS/BEOBACHTERSTAATEN

ARGENTINA/ARGENTINE/ARGENTINIEN

- Sr. F.M. BRACERAS, Subsecretario de Agricultura, Secretaria de Agricultura y Ganaderia, Ministerio de Economia, Paseo Colon, 3r Piso, 1063 Buenos Aires
- Sr. N. ALCALA, Director de Agricultura del Gobierno de la Provincia de la Pampa
- M. G. NIELSEN, Ministre conseiller agricole auprès de la Communauté économique européenne, 225, avenue Louise, 1050 Bruxelles, Belgique
- Mme R. SOTILLO, Secrétaire, Ambassade d'Argentine, 6, rue Limarosa, 75016, Paris, France

FINLAND/FINLANDE/FINNLAND

- Mr. O. REKOLA, Inspector General, Ministry of Agriculture and Forestry, Hallituskatu 3, 00170 Helsinki 17
- Mr. H. VESA, Senior Officer, Ministry of Agriculture and Forestry, Mikonkatu 13 A, 00100 Helsinki

NORWAY/NORVEGE/NORWEGEN

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

POLAND/POLOGNE/POLEN

- M. J. VIRION, Chef-expert au Ministère de l'agriculture et de l'économie alimentaire, Ministerstwo Rolnictwa, 30, rue Wspolna, Warszawa
- Mr. B. WOZNIAK, Directeur du Département de la production végétale et de la protection des plantes, Ministère de l'agriculture et de l'économie alimentaire, Ministerstwo Rolnictwa, 30, rue Wspolna, Warszawa

INTERGOVERNMENTAL ORGANIZATIONS/ORGANISATIONS INTERGOUVERNEMENTALES/
ZWISCHENSTAATLICHE ORGANISATIONEN

EUROPEAN ECONOMIC COMMUNITY (EEC)/COMMUNAUTE ECONOMIQUE EUROPEENNE (CEE)/EURO-
PAEISCHE WIRTSCHAFTSGEMEINSCHAFT (EWG)

- M. G. HUDSON, Chef de division, 200, rue de la Loi, 1049 Bruxelles, Belgique
- M. D.M.R. OBST, Administrateur principal, 200, rue de la Loi, 1049 Bruxelles, Belgique
- M. M. VALVASSORI, Administrateur, 200, rue de la Loi, 1049 Bruxelles, Belgique

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)/ORGANISATION DES
NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE (FAO)/ERNAEHRUNGS- 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 Roma, Italy

IV. SPECIAL GUESTS/INVITES D'HONNEUR/EHRENGAESTE

- Prof. Dr. L. PIELEN, Ministerialdirektor a.D., Wurzerstrasse 36, 5300 Bonn 2 - Bad Godesberg, Bundesrepublik Deutschland
- Mr H. SKOV, Snebaervaenget 15, 2830 Virum, Denmark

V. OFFICERS/BUREAU/VORSITZ

- Mr. J. RIGOT, President
- Mr. S.D. SCHLOSSER, Vice-President

VI. OFFICE OF UPOV/BUREAU DE L'UPOV/BUERO DER UPOV

- Dr. A. BOGSCH, Secretary-General
- Dr. W. GFELLER, Vice Secretary-General
- Dr. M.-H. THIELE-WITTIG, Senior Counsellor
- Mr. A. HEITZ, Senior Officer
- Mr. M. TABATA, Associate Officer

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

ANNEX II

EVOLUTION OF PLANT VARIETY PROTECTION
IN THE UNITED STATES OF AMERICAApplications and Grants

In 1985, 244 applications for plant patents were filed, considerably more than the average annual rate over the past ten years of 193 applications. For the same year, 277 plant patents were granted, again far exceeding the ten year average of 180 patents. The Plant Variety Protection Office issued 208 certificates of protection during fiscal year 1986 (October 1, 1985, to September 30, 1986), while receiving 164 applications.

The Patent and Trademark Office now accepts applications for all plant genera and species under the general patent law. No statistics are available, however, except to note that about 120 applications for plant biotechnology (including plants themselves) are pending.

Legislation and Regulations

No legislation affecting the protection of plants was enacted during the past year. Proposed legislation was introduced to provide for the patenting of plant parts, but was not enacted. Regulations are near publication for revising the variety naming requirements applicable to plants for which patent rights are sought. Additional regulations concerning the deposit requirement for biotechnological inventions are also near publication. These will apply to patent applications for plants filed under the general patent law.

[Annexe III follows]

EVOLUTION OF PLANT VARIETY PROTECTION
IN ISRAEL

This year we have introduced the microcomputer to our administrative work as well as in our testing unit. Hence, we expect an easier handling of information.

Since last October, 176 applications for registration of breeders' rights were received, of which 89, mostly ornamentals, were from foreign breeders. Presently our Law applies to 76 genera and species. Protection was granted to 79 varieties, consisting of 7 vegetable and field crops, 1 fruit crop and 63 ornamental varieties, of which 50 were from foreign breeders.

Meetings of both the Technical Working Party for Fruit Crops and the Technical Working Party for Ornamental Plants and Forest Trees will be held in Kyriat Anavim, Israel, in Mars 1987.

[Annex IV follows]

ANNEX IV

MOTION OF THE VEGETABLE SEED SECTION OF FIS
RELATING TO THE SCOPE OF PROTECTION

The Vegetable Seed Section of the International Federation of the Seed Trade,

Having regard to Article 5(1) and (4) of the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as revised at Geneva on November 10, 1972, and October 23, 1978;

Conscious of the fact that the scope of the protection laid down in Article 5(1) may create special problems with regard to certain genera and species;

Witnessing the development of techniques that permit the use of any part of the plant as reproductive material;

Considering it of great importance that breeders be enabled effectively to safeguard their interests;

Recognizing at the same time that an equitable balance must be struck between the interests of breeders and those of users of new varieties;

Recommends that, where, in respect of any genus or species, the granting of more extensive rights than those provided for in Article 5(1) is desirable to safeguard the legitimate interests of the breeders, the International Union for the Protection of New Varieties of Plants as well as its member States take adequate measures pursuant to Article 5.

It is clearly understood that by this motion, the Section is not aiming at the protection of the final product.

The motion was unanimously adopted on May 28, 1986.

[Annex V follows]

UPOV RECOMMENDATIONS
ON THE HARMONIZATION OF THE LISTS OF PROTECTED SPECIES

adopted by the UPOV Council at its twentieth ordinary session,
on December 2, 1986

The Council of the International Union for the Protection of New Varieties of Plants,

Considering that Article 4(1) of the International Convention for the Protection of New Varieties of Plants provides that the Convention may be applied to all botanical genera and species;

Considering that the member States have undertaken under Article 4(2) of the Convention to adopt all measures necessary for the progressive application of the provisions of the Convention to the largest possible number of botanical genera and species;

Considering further that Article 7(1) of the Convention requires that protection be granted after examination of the variety in the light of the criteria defined in Article 6 and that such examination is to be appropriate to each botanical genus or species;

Referring to the statement noted with approval by the Council at its tenth ordinary session in 1976 that "it is clear that it is the responsibility of the member State to ensure that the examination required by Article 7(1) of the UPOV Convention includes a growing test and the authorities in the present UPOV States [in 1976] normally conduct these tests themselves";

Taking into account the fact that the main obstacle to the application of the Convention in the member States to the largest possible member of botanical genera and species is the limitation on the economic and technical and on the scientific possibilities of carrying out variety examination;

Referring to the fact that Article 30(2) of the Convention specifically sets out the possibility of the competent authorities of the member States concluding special contracts with a view to the joint utilization of the services of the authorities entrusted with the examination of varieties in accordance with the provisions of Article 7 and with assembling the necessary reference collections and documents;

Noting with satisfaction that the member States have already made extensive use of that possibility, both in order to keep the cost of protection for new plant varieties at the lowest possible level and also to extend their lists of protected species;

Convinced that further progress can be achieved in this field and that such progress is also called for to maintain or even improve the effectiveness of new plant variety protection as a tool in the development of agriculture and the safeguarding of breeders' interests;

Recommends the member States of the Union:

(a) to extend protection to every genus or species for which the following conditions are met:

(i) The genus or species is the subject of plant breeding work, or it is expected that the extension of protection will be an incentive for such work to be undertaken;

(ii) There is a real or potential market in the member State of the Union concerned for reproductive or vegetative propagating material of varieties from that genus or species;

(iii) Examination facilities are existing or will be set up for the genus or species, either in the member State of the Union concerned or in another member State which offers its services for examination pursuant to the provisions of Article 30(2) of the Convention;

(iv) There are no legal, climatic or other obstacles to such extension;

(b) to offer their services to the other member States for the examination of varieties, particularly in those cases in which the other States participating in the cooperation system do not yet protect the genus or species concerned, by means of concerted action to concentrate examination of the varieties at an optimum number of the authorities concerned;

(c) to inform the other member States as early as possible of their intentions to extend protection to a given genus or species, giving sufficient details, and to offer the services of their authorities for the examination of varieties of such genus or species to enable the other States, as appropriate, to put in hand the procedures required by their legislation for an extension of the same kind.

[Annex VI follows]

DATES FOR MEETINGS IN 1987*

Council

October 21 and 22 [October 20 and 23]

Consultative Committee

April 2
October 19

Administrative and Legal Committee

March 31 and April 1
[June 17 and 18]
October 15 and 16

Technical Committee

October 13 and 14

Technical Working Party for Agricultural Crops

June 23 to 25, Geneva, Switzerland

Technical Working Party on Automation and Computer Programs

June 10 to 12, Copenhagen, Denmark

Technical Working Party for Fruit Crops

March 18 to 20, 1987, Kiryat Anavim, Israel
Subgroup on March 17 at the same place

Technical Working Party for Ornamental Plants and Forest Trees

March 23 to 26, Kiryat Anavim, Israel

Technical Working Party for Vegetables

June 2 to 4, Bamberg, Federal Republic of Germany

Subgroup Biotechnology

March 30
October 17 [cancelled]

Meeting with International Organizations

October 20 [October 21 and 22]

* The dates in square brackets were subsequently fixed by the Consultative Committee and the Administrative and Legal Committee.