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## INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

## COUNCIL

Twenty - third Ordinary Session  
Geneva, October 17 to 18, 1989

## 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 twenty-third ordinary session in Geneva on October 17 and 18, 1989.
2. The session was presided over by the President of the Council, Mr. W.F.S. Duffhues (Netherlands).
3. The list of participants is given in 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 appearing in document C/XXIII/1 Rev.

Situation in the Legislative, Administrative and Technical Fields

6. The Council noted the declarations made under this agenda item.
7. The Council also noted the contents of documents C/XXIII/5, 6 and 7.

Report by the President on the Work of the Thirty-Ninth and Fortieth Sessions of the Consultative Committee

8. The Council noted the report on the work of the thirty-ninth session of the Consultative Committee as given in paragraph 3 of document C/XXIII/3 and also the oral report by the President on the work of the fortieth session. That session took place on October 16 and had been mainly devoted to the preparation of the current session of the Council.

9. On the basis of a recommendation made by the Consultative Committee, the Council:

(i) proposed to Mr. Barry Greengrass an extension of his contract as Vice Secretary-General up to December 1, 1991;

(ii) requested the Secretary-General to make arrangements for Mr. Greengrass to be promoted to the same level as the WIPO Deputy Director Generals as of November 1, 1989.

10. The Council also expressed its appreciation to Mr. Greengrass for the work done and the activities undertaken within the last 15 months.

Report by the Secretary-General on the Activities of the Union in 1988 and in the First Nine Months of 1989

11. The Council unanimously approved the report by the Secretary-General on the activities of the Union in 1988 and in the first nine months of 1989 as contained in document C/XXIII/2 and document C/XXIII/3.

Progress of the Work of the Administrative and Legal Committee

12. The Council unanimously approved the report on the progress of the work of the Administrative and Legal Committee as contained in document C/XXIII/9. It also noted the oral report given by Mr. J.-F. Prével (France) on the twenty-fifth session of the Administrative and Legal Committee, of which he had been the ad hoc Chairman.

Progress of the Work of the Technical Committee and of the Technical Working Parties; Report on the Workshops on Variety Examination Held in 1989

13. The Council unanimously approved the reports on the progress of the work of the Technical Committee and of the Technical Working Parties, and the reports on the Workshops on variety examination held in 1989 as contained in document C/XXIII/10 and its two supplements (documents C/XXIII/10 Add. 1 and C/XXIII/10 Add. 2).

14. The Council noted that the question of the setting up of an international variety denomination database would be taken up by the Office of the Union in the context of the documentation to be prepared for the consideration of the question of interactive access to international data (paragraph 4 of document C/XXIII/10 Add. 2).

15. The Council noted that the proceedings of some of the workshops on variety examination which had taken place in 1988 and 1989 had already been published or were in the course of being published. It further noted that it was the intention of the Office of the Union to publish summary reports in a standardized format in "Plant Variety Protection."

16. The Council finally noted with approval the plans for the future work of the Technical Committee and the Technical Working Parties.

#### Report by the President on the Fourth Meeting with International Organizations

17. The Council noted the oral report by the President on the proceedings of the fourth Meeting with International Organizations.

18. In this context the Council discussed whether the documentation for the preparatory meetings for the revision of the UPOV Convention should be distributed to the interested international non-governmental organizations to enable them to present their views thereon. It agreed that the organizations should be given that opportunity before the documents for the Diplomatic Conference would be finalized, and that relevant decisions in this respect should be taken at the appropriate time by the preparatory meetings.

#### Examination and Approval of the Program and Budget of the Union for the 1990-91 Biennium

19. Discussions were based on document C/XXIII/4 and its supplement (document C/XXIII/4 Add.).

20. The Council unanimously adopted the program and budget of the Union for the 1990-91 biennium as proposed in document C/XXIII/4, subject to the following amendments:

(i) under the heading "Aims of the Program," paragraph 2(x) would read: "to examine various possibilities for the legal protection of innovations in the field of genetic engineering and biotechnology, and to observe developments relating to the legal protection of innovations relating to animals";

(ii) the contribution units for 1990 and 1991 would be maintained at the same level as for 1988 and 1989, with the balance of 22,000 francs for each of 1990 and 1991 to be taken from the reserve fund;

(iii) the decision to entrust the preparation of the Diplomatic Conference to preparatory meetings for the revision of the UPOV Convention would call for adjustments to be made to the draft program and budget for the 1990-91 biennium, the costs of the meetings being covered from the budget item "Administrative and Legal Committee."

21. The scale of the contributions payable by member States in the month of January of each of the years 1990 and 1991 as approved by the Council is reproduced in Annex II to this document.

#### Plan for the Medium-Term 1992-95

22. Discussions were based on document C/XXIII/11.

23. The Council unanimously noted the plan for the medium term as outlined in document C/XXIII/11.

#### Calendar of Meetings in 1990

24. Discussions were based on document C/XXIII/8.

25. The Council unanimously adopted the calendar of meetings as outlined in document C/XXIII/8.

#### Designation of Auditor

26. Discussions were based on document C/XXIII/12.

27. The Council, noting that the governing bodies of WIPO had renewed the mandate of Switzerland as auditor of the accounts of WIPO, unanimously decided to renew the mandate of Switzerland as auditor of the accounts of UPOV up to and including the year 1993.

28. The Council asked the Secretary-General to thank the Swiss authorities on behalf of the Council for their cooperation.

#### Election of a Chairman and a Vice-Chairman of the Technical Committee

29. The Council unanimously elected Dr. G. Fuchs (Federal Republic of Germany) and Miss Jutta Rasmussen (Denmark) as Chairman and Vice-Chairman of the Technical Committee, respectively, for a term of three years, expiring at the end of the twenty-sixth ordinary session of the Council, in 1992.

30. The Council noted that since its inception, the Technical Committee had been chaired by specialists of agricultural crops, that there was an increasing number of applications for protection for horticultural crops and that, consequently, the problems associated with those crops acquired increasing importance. It was suggested that consideration should be given at the next occasion to electing a chairman from among experts in the horticultural sector.

31. The Council requested the delegation of the United Kingdom to convey to Dr. J.K. Doodson its appreciation for the work he had carried out during his term of office.

#### Election of a Chairman and a Vice-Chairman of the Administrative and Legal Committee

32. The Council unanimously elected Mr. J.-F. Prével (France) and Mr. H. Kunhardt (Federal Republic of Germany) as Chairman and Vice-Chairman of the Administrative and Legal Committee, respectively, for the same term of office as mentioned above.

33. The Council requested the delegation of Sweden to convey to Mrs. C. Holtz its appreciation for the work she had carried out during her term of office.

Election of a Chairman of the Technical Working Party for Agricultural Crops

34. The Council unanimously elected Dr. M.S. Camlin (United Kingdom) as Chairman of the Technical Working Party for Agricultural Crops for the same term of office as mentioned above.

35. The Council requested the delegation of Ireland to convey to Mr. D.P. Feeley its appreciation for the work he had carried out during his term of office.

36. This report was unanimously adopted by the Council at its meeting of October 18, 1989.

[Annexes follow]

## ANNEX I/ANNEXE I/ANLAGE I

## LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS/TEILNEHMERLISTE

## I. MEMBER STATES/ETATS MEMBRES/VERBANDSSTAATEN

AUSTRALIA/AUSTRALIE/AUSTRALIEN

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DENMARK/DANEMARK/DAENEMARK

Mr. F. ESPENHAIN, Chairman, Plant Novelty Board, Statens Planteavlkontor,  
Skovbrynet 18, 2800 Lyngby

FRANCE/FRANKREICH

M. J.F. PREVEL, Directeur, Bureau de la sélection végétale et des semences,  
Ministère de l'agriculture, 5/7, rue Barbet de Jouy, 75007 Paris

Mlle N. BUSTIN, Secrétaire général, Comité de la protection des obtentions  
végétales, Ministère de l'agriculture, 11, rue Jean Nicot, 75007 Paris

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

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IRELAND/IRLANDE/IRLAND

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ITALY/ITALIE/ITALIEN

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JAPAN/JAPON/JAPAN

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Mr. K. NAITO, First Secretary, Permanent Mission of Japan, 10, avenue de Budé, 1202 Geneva, Switzerland

NETHERLANDS/PAYS-BAS/NIEDERLANDE

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Mr. B.P. KIEWIET, President, Board for Plant Breeders' Rights, P.O. Box 104, 6700 AC Wageningen

Ms. Y.E.T.M. GERNER, Legal Adviser, Ministry of Agriculture and Fisheries, Bezuidenhoutseweg 73, The Hague

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SOUTH AFRICA/AFRIQUE DU SUD/SUEDAFRIKA

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SWEDEN/SUEDE/SCHWEDEN

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Mr. J. ARDLEY, Deputy Controller, 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. H.D. HOINKES, Senior Counsel, Office of Legislation and International Affairs, Patent and Trademark Office, U.S. Department of Commerce, Box 4, Washington, D.C. 20231

II. OBSERVER STATES/ETATS OBSERVATEURS/BEOBACHTERSTAATEN

ARGENTINA/ARGENTINE/ARGENTINIEN

- Sr. H.A. ORDÓÑEZ, Asesor de Gabinete, Ministerio de Economía, Secretaría de Agricultura, Ganadería y Pesca, Paseo Colón 982 - 1° P., Buenos Aires
- M. A.G. TROMBETTA, Deuxième secrétaire, Mission permanente de la République argentine auprès de l'Office des Nations Unies et des autres organisations internationales à Genève, 110, avenue Louis-Casaï, 1215 Genève 15, Suisse

CZECHOSLOVAKIA/TSCHECHOSLOVAQUIE/TSCHECHOSLOWAKEI

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KENYA/KENIA

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MOROCCO/MAROC/MAROKKO

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M. R. LAKHDAR, Ingénieur en chef, Chef de la Division des contrôles techniques et phytosanitaires, DPVCTRF, B.P. 1308, Rabat

Dr G. PIETSCH, Ingénieur agronome, Expert de la GTZ, Service de contrôle et de certification des plantes, B.P. 6437, Rabat

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Dr. Jin-Young YOON, Plant Breeder, Horticultural Experiment Station, 475 Imok-dong, Suweon

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TURKEY/TURQUIE/TUERKEI

- Dr N. DEMIR, Assistant Undersecretary, Ministry of Agriculture, Forestry and Rural Affairs, Tarim Bakanligi, Ankara
- M. A. ALGAN, Conseiller, Mission permanente de la Turquie auprès de l'Office des Nations Unies à Genève, 28, chemin du Petit-Saconnex, 1211 Genève 19, Suisse

III. INTERGOVERNMENTAL ORGANIZATIONS/  
ORGANISATIONS INTERGOUVERNEMENTALES/  
ZWISCHENSTAATLICHE ORGANISATIONEN

COMMISSION OF THE EUROPEAN COMMUNITIES (CEC)/COMMISSION DES COMMUNAUTES EUROPEENNES (CCE)/KOMMISSION DER EUROPAEISCHEN GEMEINSCHAFTEN (KEG)

- Dr. G. HUDSON, Head of Division, Legislation on plant products and animal nutrition, Directorate General for Agriculture, Commission of the European Communities, 120, rue de la Loi, 1049 Bruxelles, Belgique

EUROPEAN PATENT ORGANIZATION (EPO)/ORGANISATION EUROPEENNE DES BREVETS (OEB)/EUROPAEISCHES PATENTAMT (EPA)

- Mrs. L. GRUSZOW, Principal Administrator, International Legal Affairs, Erhardtstrasse 27, 8000 Munich 2, Federal Republic of Germany

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)/ORGANISATION DE COOPERATION ET DE DEVELOPPEMENT ECONOMIQUES (OECD)/ORGANISATION FUER EUROPAEISCHE WIRTSCHAFTLICHE ZUSAMMENARBEIT UND ENTWICKLUNG (OECD)

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EUROPEAN FREE TRADE ASSOCIATION (EFTA)/ASSOCIATION EUROPEENNE DE LIBRE-ECHANGE (AELE)/EUROPAEISCHE FREIHANDELSASSOZIATION (EFTA)

- Mr. G. ASCHENBRENNER, First Assistant, Legal Affairs, European Free Trade Association, 9-11 rue de Varembe, 1211 Geneva 20, Switzerland

IV. INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS/  
ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES/  
INTERNATIONALE NICHTSTAATLICHE ORGANISATIONEN

INTERNATIONAL ASSOCIATION OF HORTICULTURAL PRODUCERS (AIPH)/ASSOCIATION INTERNATIONALE DES PRODUCTEURS DE L'HORTICULTURE (AIPH)/INTERNATIONALER VERBAND DES ERWERBSGARTENBAUS (AIPH)

- Mr. J.N. KRAS, Secretary, Committee of Novelty Protection, AIPH, Postbus, 2300 PH Leiden, Netherlands

INTERNATIONAL ASSOCIATION FOR THE PROTECTION OF INDUSTRIAL PROPERTY (AIPPI)/  
ASSOCIATION INTERNATIONALE POUR LA PROTECTION DE LA PROPRIETE INDUSTRIELLE  
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FRUIT TREE VARIETIES (CIOPORA)/COMMUNAUTE INTERNATIONALE DES OBTENTEURS DE  
PLANTES ORNEMENTALES ET FRUITIERES DE REPRODUCTION ASEXUEE (CIOPORA)/  
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ASSOCIATION OF PLANT BREEDERS OF THE EUROPEAN ECONOMIC COMMUNITY (COMASSO)/  
ASSOCIATION DES OBTENTEURS DE VARIETES VEGETALES DE LA COMMUNAUTE ECONOMIQUE  
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COMMERCE DES SEMENCES (FIS)/INTERNATIONALE VEREINIGUNG DES SAATENHANDELS (FIS)

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(CCI)/INTERNATIONALE HANDELSKAMMER (IHK)

Dr. R.C.F. MACER, Consultant, ICI Seeds, Jealott's Hill Research Station, Bracknell, Berkshire, RG12 6EY, United Kingdom

V. OFFICERS/BUREAU/VORSITZ

Mr. W.F.S. DUFFHUES, Chairman  
Mr. R. LOPEZ DE HARO Y WOOD, Vice-Chairman

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

Dr. A. BOGSCH, Secretary-General  
Mr. B. GREENGRASS, Vice Secretary-General  
Mr. A. HEITZ, Senior Counsellor  
Dr. M.-H. THIELE-WITTIG, Senior Counsellor  
Mr. Y. HAYAKAWA, Associate Officer

VII. INTERNATIONAL BUREAU OF WIPO/BUREAU INTERNATIONAL DE L'OMPI/  
INTERNATIONALES BUERO DER WIPO

Dr. T.A.J. KEEFER, Director and Controller, Budget and Finance Division  
Mr. A. HARGREAVES, Head, Budget and Systems Section

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

## CONTRIBUTIONS OF MEMBER STATES

(in Swiss francs)

<u>1988</u> <u>Actual</u>	<u>1989</u> <u>Actual</u>	<u>Member States</u>	<u>Number</u> <u>of Units</u>	<u>Approved 1990-91 Budget</u>	
				<u>Payable in</u> <u>January 1990</u>	<u>Payable in</u> <u>January 1991</u>
-	-	Australia	1.0	43,512	43,512
65,270	65,270	Belgium	1.5	65,270	65,270
65,270	65,270	Denmark	1.5	65,270	65,270
217,560	217,560	France	5.0	217,560	217,560
217,560	217,560	Germany, Fed. Rep. of	5.0	217,560	217,560
21,756	21,756	Hungary	0.5	21,756	21,756
43,512	43,512	Ireland	1.0	43,512	43,512
21,756	21,756	Israel	0.5	21,756	21,756
87,024	87,024	Italy	2.0	87,024	87,024
217,560	217,560	Japan	5.0	217,560	217,560
130,536	130,536	Netherlands	3.0	130,536	130,536
43,512	43,512	New Zealand	1.0	43,512	43,512
-	-	Poland	0.5	21,756	21,756
43,512	43,512	South Africa	1.0	43,512	43,512
43,512	43,512	Spain	1.0	43,512	43,512
65,270	65,270	Sweden	1.5	65,270	65,270
65,270	65,270	Switzerland	1.5	65,270	65,270
217,560	217,560	United Kingdom	5.0	217,560	217,560
217,560	217,560	United States of America	5.0	217,560	217,560
<u>1,784,000</u> =====	<u>1,784,000</u> =====		<u>42.5</u> =====	<u>1,849,268</u> =====	<u>1,849,268</u> =====

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