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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 ACTIVITIES DURING THE FIRST NINE MONTHS OF 1989

Document prepared by the Office of the Union

I. STATE OF THE UNION

1. On February 1, 1989, Australia deposited its instrument of accession to the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as Revised at Geneva on November 10, 1972, and on October 23, 1978 ("Revised Act of October 23, 1978"). The accession of Australia took effect on March 1, 1989.

2. As from that date, the Union comprises the following 18 member States: Australia, Belgium, Denmark, France, Germany (Federal Republic of), Hungary, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, South Africa, Spain, Sweden, Switzerland, United Kingdom and United States of America. All except Belgium and Spain are party to the Revised Act of October 23, 1978.

II. SESSIONS

3. The Consultative Committee held its thirty-ninth session on April 14 under the chairmanship of Mr. W.F.S. Duffhues (Netherlands). The session was mainly devoted to the preparation of the fourth Meeting with International Organizations, a reexamination of the list of States and organizations invited to UPOV meetings, a discussion of the need and periodicity of the "statistical" documents submitted to ordinary sessions of the Council, and to a general discussion on the further preparation and the date of the joint UPOV/WIPO meeting on the relations between plant variety protection and patent protection.

4. As far as the work of the Administrative and Legal Committee is concerned, reference is made to document C/XXIII/9.

5. As far as the work of the Technical Committee, the Technical Working Parties and the Workshops on Variety Examination is concerned, reference is made to document C/XXIII/10.

III. CONTACTS WITH STATES AND ORGANIZATIONS

6. On January 16, the Vice Secretary-General paid an official visit to the Commission of the European Communities in Brussels (Belgium) where he met with officials of the Directorate General for Agriculture.

7. On January 30, the Vice Secretary-General received a visit from Mr. T. Okada, Director of the Seeds and Seedlings Division of the Ministry of Agriculture, Forestry and Fisheries of Japan, and Mr. T. Oobayashi, official of that same Ministry responsible for the International Garden and Greenery Exhibition to be held in Osaka in 1990.

8. From January 31 to February 3, the Vice Secretary-General participated in Anaheim (California, United States of America) in a working group dealing with the problems, challenges and prospects of plant patents. The event was organized, with the financial assistance of the Department of Agriculture, by the American Society of Agronomy, the Crop Science Society of America, the Soil Science Society of America, the American Agricultural Economics Association and the American Society for Horticultural Science.

9. On February 13 and 14, an official of the Union participated, in Paris (France) in a meeting of the designated authorities responsible for the implementation of the OECD Scheme for the Control of Forest Reproductive Material Moving in International Trade.

10. In February and March, the Vice Secretary-General had contacts with various persons in India and with the Secretariat General of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL) in respect of a symposium that was to be held on March 13 in New Delhi (India). Further contacts also took place in the meantime as a result of the growing interest in plant variety protection in India.

11. On March 1, the Vice Secretary-General paid a visit to the Secretary-General of ASSINSEL to discuss matters of mutual interest.

12. On March 8, the Vice Secretary-General received a visit from Academician B.A. Runov, a departmental director of Gosagroprom (Central Committee for Agriculture) of the Soviet Union. It should be noted in this respect that the new draft patent law provides that plant and animal varieties are to be protected under a special law.

13. On March 9, the Secretary-General and the Vice Secretary-General received a visit from Mr. Arpad Szabó, Director of the Department for International Economic Cooperation of the Federal Ministry of Agriculture and Food of Czechoslovakia. Discussions concerned, in particular, the conformity of the draft Czech law on the legal protection of new varieties of plants and breeds of animals with the UPOV Convention.

14. On March 10, the Vice Secretary-General received a visit from Mr. A. Calvelo, Honorary Secretary of the Argentine Cereal Exchange, and Mr. A.G. Trombetta, Second Secretary at the Permanent Mission of Argentina in Geneva.

15. On March 20, the Vice Secretary-General received a visit from Mr. N. Monya, Professor of intellectual property law at Seikei University, and Mr. A. Yamaguchi, of the Food and Agriculture Research Development Association, of Japan.
16. On April 5, the Vice Secretary-General participated in London (United Kingdom) in a working group on intellectual property protection for innovation in farm animals and poultry, organized by the British Animal Production Society, and presented a paper on the plant variety protection system.
17. From April 13 to 16, UPOV participated in the International Exhibition of New Varieties of Plants in Geneva (Expoflore).
18. From April 17 to 20, the Vice Secretary-General participated in Rome (Italy) in the third session of the FAO Commission on Plant Genetic Resources.
19. On April 21, the Vice Secretary-General paid an official visit to the United Kingdom where he met the officials responsible for plant variety protection.
20. At the end of April, the Office of the Union was requested by the French authorities to produce a translation into Chinese of the UPOV Convention. The request was made in relation to a visit by a high-level delegation from China. The translation was produced in the early part of May and given by the French authorities to the Vice Minister for Agriculture Wang Liang Zheng.
21. On May 16, the Vice Secretary-General paid an official visit to Lisbon (Portugal) mainly to discuss the state of progress of the draft Portuguese plant variety protection law.
22. In the course of the session of the Technical Working Party on Automation and Computer Programs held in Madrid (Spain) from May 17 to 19, the Vice Secretary-General had discussions with the officials responsible for plant variety protection in Spain.
23. From May 22 to 24, the Vice Secretary-General participated in Paris (France) in the annual meeting organized by OECD of the representatives of the designated authorities responsible for the implementation of the OECD Schemes for the Varietal Certification of Seeds Moving in International Trade.
24. On May 31 and June 1, an official of the Union participated in Brussels (Belgium) in a meeting of the Working Group of the European Economic Community "Seeds and Propagating Material: Plant Breeders' Rights," whose task it is to consider a proposal by the Commission relating to a regulation of the Council of the European Communities on community breeders' rights.
25. On this occasion, the said official also paid a visit to the Secretary-General of the General Committee for Agricultural Co-operation in the European Economic Community (COGECA) and of the Committee of Agricultural Organisations in the European Economic Community (COPA).
26. On June 1 and 2, the Vice Secretary-General participated in Tel-Aviv (Israel) in the annual world congress of ASSINSEL.
27. From June 5 to 8, the Vice Secretary-General participated in Amsterdam (Netherlands) in the World Industrial Property Congress of the International Association for the Protection of Industrial Property (AIPPI) and gave a lecture.

28. On June 9, the President of the Council and the Vice Secretary-General participated in Amsterdam (Netherlands) in a meeting of the Committee for Novelty Protection of the International Association of Horticultural Producers (AIPH).

29. On June 12, the Vice Secretary-General received a visit from Mr. Makoto Tabata, Assistant Director of the Seeds and Seedlings Division of Japan, and from an official of the Ministry of Agriculture, Forestry and Fisheries and discussed the organization and financing of an UPOV seminar proposed to be held in Japan in 1991.

30. On June 16, an official of the Union gave a lecture on plant variety protection in Zurich (Switzerland) in the framework of a training course for patent agents organized by the Association of Patent Agents from Industry of Switzerland (VIPPS) and the Association of Swiss Private Patent Practitioners Registered with the European Patent Office (VESPA).

31. From June 20 to 22, the Vice Secretary-General and an official of the Union paid an official visit to the German Democratic Republic at the invitation of the German Democratic Republic Group of AIPPI and the German Democratic Republic Association for the Protection of Industrial Property. In addition to the discussions on the protection of intellectual property in the field of plants which they had with various interested circles in restricted groups or in a colloquium, a visit was made to the premises of the Central Organization for Variety Matters (Zentralstelle für Sortenwesen) in Nossen.

32. From June 26 to 29, an official of the Union participated in Edinburgh (United Kingdom) in the twenty-second congress of the International Seed Testing Association (ISTA) which took place from June 21 to 30.

33. From July 1 to 7, the Vice Secretary-General paid an official visit to Japan where: he participated in Tsukuba Science City in part of the session of the Technical Working Party for Vegetables; he participated in Tokyo in a symposium on the protection of new plant varieties and biotechnology and gave a lecture; he participated, also in Tokyo, in the celebration of the tenth anniversary of plant variety protection in Japan; he met with high officials of the Ministry of Agriculture, Forestry and Fisheries and the Patent Office; he paid a visit to a number of professional organizations; he visited several undertakings and institutions in Tokyo, Yokohama and Tsukuba.

34. From July 10 to 18, the Vice Secretary-General paid an official visit to Australia where: he participated in Canberra in a workshop on intellectual property protection for plants; he participated in Perth in a conference on the production and marketing of Australian flora; he gave a lecture in Toowoomba in the Queensland Wheat Research Institute to members of that Institute and representatives from the seeds industry; he met with the members of the Plant Variety Rights Advisory Committee and the Acting Commissioner of Patents, and also with representatives of interested circles in Canberra, Sydney and Toowoomba.

35. On July 26 and 27, an official of the Union participated in Brussels (Belgium) in the meeting of the EEC Working Group "Seeds and Propagating Material: Plant Breeders' Rights."

36. On August 21, the Vice Secretary-General went to Cambridge (United Kingdom) to discuss the program of future work concerning the revision of the Convention and other questions of general interest with the United Kingdom authorities.

37. On August 22, the Vice Secretary-General went to Paris (France) for a similar purpose.
38. On September 1, the Vice Secretary-General went to Hanover (Federal Republic of Germany) for a similar purpose.
39. On September 11 and 12, the Vice Secretary-General received a visit from Mr. Peter Slimák, Director of the Principal Division for Legislative Affairs, Federal Ministry of Agriculture and Food of Czechoslovakia, and Mr. Vladimír Duris, Third Secretary at the Permanent Mission of Czechoslovakia in Geneva. Detailed discussions took place on the conformity of the draft Czechoslovak law on the legal protection of new varieties of plants and breeds of animals with the UPOV Convention and on the procedure to be followed in relation to accession to the Convention.
40. On September 20, the Vice Secretary-General participated in Brussels (Belgium) in the meeting of the EEC Working Group "Seeds and Propagating Material: Plant Breeders' Rights."
41. On September 21 and 22, the Vice Secretary-General participated in Cambridge (United Kingdom) in the Fifth Conference on Plant Variety Protection, Biotechnology and Intellectual Property, organized by the Queen Mary College (University of London), and gave a lecture.
42. On September 26, in connection with the Workshop on the Examination of Varieties of Soybean, the Vice Secretary-General and an official of the Union met in Washington D.C. (United States of America) with high officials of the Department of Agriculture and with representatives of interested circles.

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