



CAJ/49/5

ORIGINAL: English

DATE: August 9, 2004

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

ADMINISTRATIVE AND LEGAL COMMITTEE

Forty-Ninth Session
Geneva, April 1, 2004

REPORT

adopted by the Committee

Opening of the Session

1. The Administrative and Legal Committee (CAJ) held its forty-ninth session in Geneva, on April 1, 2004, under the Chairmanship of Ms. Nicole Bustin (France).
2. The list of participants is reproduced in Annex I to this report.
3. The session was opened by the Chair, who welcomed the participants. She extended a particular welcome to the Delegation of Lithuania, a State which had become the fifty-fourth member of the Union, on December 10, 2003. The Delegation of Lithuania expressed its gratitude to the Office of the Union and the members of the Union for the assistance given to Lithuania in the process of its accession to the UPOV Convention. The declaration of the Delegation of Lithuania is reproduced in Annex II to this report.
4. The Office of the Union explained that the report of the forty-eighth session of the CAJ had been adopted by correspondence (document CAJ/48/7). However, after the date of adoption, the Delegation of Colombia had requested a correction to paragraph 37 to change the number of the Decision of the Andean Community from "391" to "345". The Chair proposed, and the CAJ agreed, that the corresponding correction be made to the report.

Adoption of the Agenda

5. The CAJ adopted the agenda as presented in document CAJ/49/1, after having added a new item "Other matters" after item 8.

Report on Relevant Matters Discussed at the Fortieth Session of the Technical Committee

6. The Chair of the Technical Committee (TC) made an oral report on the work of the TC, which had held its fortieth session from March 29 to 31, 2004.

7. The CAJ was informed that document TGP/7 "Development of Test Guidelines" had been finalized and adopted. That document was central to the work of the drafters of Test Guidelines and the Editorial Committee and would be of great help to them. In relation to Test Guidelines, 19 were adopted at the fortieth session.

8. The Chair of the TC reported that developments concerning UPOV databases had been discussed, beginning with progress on the UPOV Code System. Cooperation of UPOV with the Community Plant Variety Office (CPVO) in relation to the development of a Web-based Plant Variety Database had been discussed. The TC had received confirmation that the UPOV-ROM version of the Plant Variety Database (which would continue to be important for a number of members) would not be discontinued without further discussion in UPOV. The TC had also witnessed the GENIE database being used for the first time for the production of document TC/40/4 "List of Species in Which Practical Knowledge has been Acquired or for Which National Test Guidelines have been Established".

9. The TC had discussed the model study forming part of the project on the publication of variety descriptions, which, the TC Chair noted, would also be considered by the CAJ at the present session.

10. Discussions on molecular techniques had taken place. Document TC/40/9, as amended at the meeting, was approved for setting out the current position of UPOV on molecular techniques and would be passed on to the CAJ for consideration at its October 2004 session. Document TC/40/9 was not a completely new document, as it contained elements of document TG/1/3 "General Introduction to the Examination of Distinctness, Uniformity and Stability and the Development of Harmonized Descriptions of New Varieties of Plants (the General Introduction) and document TC/38/14 Add.-CAJ/45/5 Add.

11. During the TC meeting, a number of other possible uses for molecular techniques in variety characterization, such as the enforcement of plant breeders' rights, technical verification of identity and essential derivation, were raised, and it was agreed that those uses might be matters for discussion at a future meeting of the Ad hoc Subgroup of Technical and Legal Experts of Biochemical and Molecular Techniques (BMT Review Group). This issue was, therefore, also being brought before the CAJ for consideration.

12. Following the resignation of Mr. Carlos Gómez-Etchebarne (Uruguay), the TC had decided to propose Mr. Luis Salaices (Spain), for election by the Council, on April 2, 2004, as Chairman of the Technical Working Party for Agricultural Crops for the remaining two sessions to be held in 2004 and 2005.

13. It was agreed to recommend to the Council, for election in October 2004, Mrs. Julia Borys (Poland) as Chair of the Technical Committee and Mrs. Françoise Blouet (France) as Vice-Chair.

Transfer of Material for the Purposes of Examination of Distinctness, Uniformity and Stability: Proposed Recommendations

14. The Vice Secretary-General introduced document CAJ/49/2.

15. The Chair invited comments in relation to the draft recommendations contained in the Annex of document CAJ/49/2, entitled “Draft Recommendations Concerning Information, Documents or Material Furnished for Examination Purposes”.

Draft Recommendation 1

16. The representative of the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA) suggested to use the word “applicant” instead of “breeder” in the first paragraph of Draft Recommendation 1.

17. In response to that suggestion, the Chair proposed to add a footnote with the definition of “breeder”, contained in Article 1(iv) of the 1991 Act of the UPOV Convention, which described who was entitled to protection (applicant) and also included the notion of successor in title. She also recalled that this was the approach taken in the General Introduction (document TG/1/3).

18. The Delegation of Australia requested an explanation of what was meant by “applicable law, rules and practices” in the second paragraph of Draft Recommendation 1.

19. The Chair recalled that those draft recommendations referred to the technical examination, comprising information of a general nature which was public and not specific information to each application or particular examination.

20. The Delegation of Germany observed that the document under discussion concerned recommendations and, therefore, it was up to each member to decide what was relevant.

21. The Chair proposed to split the second paragraph of Draft Recommendation 1 into two paragraphs. After the deletion of the words “In particular”, the new third paragraph would start with “The authority” and the word “should” would be changed to “shall”.

22. In relation to the section under Draft Recommendation 1 entitled “Publication”, there was agreement with the wording of paragraphs (a) and (b). The Delegation of the Netherlands suggested that the third paragraph under the section “Publication” referred to paragraph (b) only. In response to that suggestion, the Vice Secretary-General suggested to move the last paragraph under section “Publication” immediately into paragraph (b).

23. As regards the section “Public Inspection” in Draft Recommendation 1, the Delegation of Germany considered that the reference to “The authority should ensure that appropriate measures are in place to avoid the unauthorized removal of information, documents or material” was not necessary since it was part of the normal course of action of the work of the authority.

24. The Delegation of the Netherlands agreed with the Delegation of Germany and proposed to include the sentence referred to in paragraph 23 of this report at the beginning of the document in a section that would be entitled “Introduction”.
25. As regards the sentence referred to in paragraph 23 of this report which the Delegations of Germany and the Netherlands had proposed to move to the Introduction, the Delegation of Switzerland proposed to add the words “or that their use had been *détourné*” at the end of the sentence.
26. The Delegation of France agreed with the proposal of the Delegation of Switzerland. It further suggested that the reference to “use” could be included in a general recommendation stating why, and for which activities, information and material were requested.
27. In relation to the same sentence, the Delegation of the United States of America suggested to add, after the words “unauthorized removal”, the words “or use”.
28. The representative of the International Seed Federation (ISF) proposed to add “and uses” after the words “unauthorized removal”.
29. The Chair clarified that the question concerning usage would be covered in other Draft Recommendations, to be discussed at a later stage.
30. Discussions took place on who might be entitled to consult information documents or material. The representative of ISF referred to the notion of a person with legitimate interest.
31. The Delegation of Argentina also referred to the notion of legitimate interest and to the fact that a particular consultation could only take place upon prior request and approval.
32. In response to the suggestions made by the Delegation of Argentina and the representative of ISF, the Chair clarified that the notion of what was considered to be “legitimate interest” might depend on national or regional legislation and that the reference in the present text to “upon request” already implied that the request was subject to approval by the relevant authority.
33. The representative of the European Community clarified that the notion of “interest” had been removed from the legislation of the European Community and that any person might be entitled to submit a request for consultation. He was not in favor of the proposals made by the Delegation of France and the representative of ISF to include the notion of usage in the sentence that had been moved to the introduction.
34. The Delegation of the United States of America proposed to add in the first paragraph of the section “Public Inspection” after the words “for example”, the following words “under what circumstances, a third”. The words “whether any” should be deleted.
35. The Chair considered that the first sentence of the first paragraph under section “Public Inspection” should read as follows:
- “For example, under what circumstances a third person may, upon request:”
36. It was agreed to change the word “should” to “shall” in the first paragraph, under the section “Public Inspection”: “It shall specify ...”.

37. The Delegation of Belgium requested clarification concerning the notion of “authority”.
38. The Chair clarified that “authority” referred to the authority entrusted with the task of granting breeders’ rights in conformity with the definition in Article 1(ix) of the 1991 Act of the UPOV Convention.
39. In relation to section “Exchange between authorities”, the representative of ISF stated that, as far as material was concerned, the exchange of material should be subject to the authorization of the breeder.
40. In relation to the comment made by the representative of ISF, the Chair noted that the notion of “use” would also be discussed when dealing with Draft Recommendation 3. She further explained that the section “Exchange between authorities” had an illustrative purpose as indicated by the tense used in the first paragraph “might include”.
41. The Chair summarized the discussions and noted the agreement to add the word “documents” just after the word “information” in the first paragraph of Draft Recommendation 1; as regards the second paragraph, to add a footnote with the definition of “breeder”; to split the second paragraph of Draft Recommendation 1 into two paragraphs. After the deletion of the words “in particular”, the new third paragraph would start with “The authority” and the word “should” would be changed to “shall”; in relation to section under Draft Recommendation 1 entitled “Publication”, to move the last paragraph immediately into paragraph (b); to move the sentence “The authority should ensure that appropriate measures are in place to avoid the unauthorized removal of information, documents or material” under section “Public Inspection” in Draft Recommendation 1 to the Introduction; in relation to the sentence moved to the Introduction, to consider how the notion of “use” should be addressed in the Introduction; and that the first sentence of the first paragraph under section “Public Inspection” should read as follows: “For example, under what circumstances a third person may, upon request:”.

Draft Recommendation 2

42. The Chair explained that the purpose of Draft Recommendation 2 was to clarify that information, documents and material of varieties furnished for examination purposes might be used by the authority for its activities concerning the examination of applications in general.
43. The Delegation of Argentina proposed that, if the objective of Draft Recommendation 2 was to refer to the possibility that the authority could use the information provided with the particular application to examine also other applications, then some redrafting of Draft Recommendation 2 might be necessary.
44. The Delegation of Uruguay was in favor of the principle to use the information available for the examination of other applications.
45. The Delegation of Germany proposed to delete the words “unless agreed otherwise by the authority”.
46. The Chair proposed that a new text for Draft Recommendation 2 be prepared in order to clarify that the use of information, documents and material furnished with a particular

application might be used for the examination of other applications. She further noted the agreement to delete the words “unless agreed otherwise by the authority”.

Draft Recommendation 3

47. The representative of ISF acknowledged that authorities might exchange material of varieties, but that exchange should be subject to formal agreement between the authority and the breeder. He further explained that if a breeder had made the choice not to protect a variety in a particular country it may have been because the breeder did not wish material to be furnished to that country.

48. The Delegation of Argentina agreed with the principle that the material could be subject to exchange between authorities, but, if that exchange took place, the breeder should be informed accordingly.

49. The Delegation of the United States of America shared some of the concerns expressed by the representative of ISF and agreed that exchange of material should take place only if it was necessary. It further agreed with the proposal of the Delegation of Argentina that the breeder needed to have knowledge of that exchange and also supported the view of the representative of ISF that the exchange should be subject to the breeder’s authorization.

50. The Delegation of Switzerland noted that there were some differences in the terms used in the English and German text in relation to the notion “to ensure the effective grant of breeders’ rights”.

51. The Delegation of the Netherlands observed that the UPOV Convention required authorities to compare the candidate variety with other varieties whose existence was a matter of common knowledge. In that sense, it wondered whether the authorization of the breeder was relevant when a candidate variety needed to be examined for distinctness.

52. The Delegation of Spain also referred to Articles 5 and 7 of the 1991 Act of the UPOV Convention and wondered how the protection granted could be efficient if there were so many obstacles to obtain material or information, concerning other varieties, in order to comply with the condition of distinctness.

53. The Delegation of France explained that the authority was conscious of its responsibility and, therefore, in cases where material might have specific importance, it would not be exchanged without the authorization of the breeder.

54. The representative of the European Community supported the comments made by the Delegations of France, the Netherlands and Spain, on the role of the exchange of material in order to provide for an efficient examination. He agreed with the first sentence of Draft Recommendation 3 and proposed to insert the notion that the legitimate interest of the breeder should be safeguarded in certain cases, for example, parental lines. In those cases, it would be appropriate for authorities to have an agreement with the breeder.

55. The representative of CIOPORA said that breeders were in favor of exchange of information and documents between authorities. However, he shared the concern expressed by some delegations and breeders in relation to the exchange of material.

56. The representative of ISF understood the concerns of the Delegations of France, the Netherlands, Spain and Switzerland, and indicated that there was no problem in the exchange of material taking place within the European Union. He further added that ISF was not against the exchange if the variety was officially registered or protected.

57. The Delegation of Germany considered that Draft Recommendation 3 was well balanced and that the second sentence met the interests of both authorities and breeders.

58. The Delegation of the United States of America considered that the comment made by the Delegation of the Netherlands was an important one and indicated that Draft Recommendation 3 made no reference to the notion of common knowledge. It further proposed to consider that matter in the revised version of Draft Recommendation 3.

59. The Delegation of the Netherlands appreciated the comment made by the representative of ISF and confirmed that its understanding of Draft Recommendation 3 was that it referred to varieties of common knowledge and that it did not consider rejected or withdrawn applications.

60. The Chair noted that the legitimate interests of the breeders should be safeguarded and that there was support for the exchange of material if the variety was officially registered or protected. It was agreed to clarify in a revised version of Draft Recommendation 3 that the exchange of information, documents and material concerned varieties whose existence was a matter of common knowledge.

Draft Recommendation 4

61. The Delegation of Argentina and the representatives of CIOPORA and ISF expressed some concern in relation to the first paragraph and, in particular, the sentence “Unless otherwise provided by the authority and made known to the breeder”. The Vice Secretary-General explained that the first part of the first paragraph was included in order to cover cases where, once the protection of the breeder’s right had expired, the material of that variety could be available in a gene bank for use in a breeding program.

62. The Delegation of the Netherlands supported the deletion of the first part of the sentence and suggested to include “without the authorization of the breeder” at the end of the first paragraph.

63. The Delegation of Spain supported the proposal of the Delegation of the Netherlands and suggested that a particular reference might be necessary in those cases where material could be available after the expiration of the duration of the breeders’ rights.

64. The Delegation of the United States of America, while appreciating the intention to cover particular cases in the first part of the first paragraph, suggested that, in the present version of Draft Recommendation 4, it should be clarified if the recommendation applied to material of varieties before the granting of the breeder’s right, during the period of protection or after the breeder’s right had expired. That comment might also apply to other draft recommendations. It suggested that this point should be considered in the revision of the draft recommendations.

65. The Delegation of France was in favor of the proposal made by the Delegation of the Netherlands as it covered the different types of situations.

66. The representative of ISF recalled that Article 12 of the 1991 Act of the UPOV Convention referred to the material furnished for examination purposes. There was no reference to access to the material in Article 5 of the 1991 Act. He further referred to Article 14 of the 1991 Act, which set out the scope of the breeder's right.

67. The Chair noted that there was agreement on the deletion of the first part of the sentence in Draft Recommendation 4 and there was a suggestion to include "without the authorization of the breeder" at the end of the first paragraph. She further noted the suggestion to clarify in the new Draft Recommendation 4 if the word "material" referred to varieties before the granting of the breeder's right, during the period of protection or after the breeder's right had expired.

68. It was agreed that a new version of the draft recommendations would be prepared for the October 2004 session of the CAJ, taking into account the comments made.

Recommendations to Ensure the Independence of those DUS Examination Centers Which Have, or Have Links to, Breeding Activities

69. The Chair recalled that initial discussions on the subject matter covered by document CAJ/49/3 had already taken place during the forty-eighth session of the CAJ in October 2003 (see document CAJ/48/2). At the proposal of the Chair, it was agreed that, due to time constraints, discussions on document CAJ/49/3 would take place at the fiftieth session of the CAJ.

UPOV Information Databases

70. The Technical Director introduced document TC/40/6-CAJ/49/4.

71. In relation to the Plant Variety Database, the Vice Secretary-General informed the CAJ that the CPVO was developing a project for a centralized database on variety denominations that relied on a database of information which would be essentially the same as that of the UPOV Plant Variety Database. It was recognized that there would be mutual benefit if both parties cooperated in the work. In that regard, a Memorandum of Understanding was under development for cooperation in the development and maintenance of a UPOV Web-based Plant Variety Database and the CPVO Centralized Database on Variety Denominations in a way which would minimize the overall cost of development of software and maintenance of data, maximize the completeness of the UPOV and CPVO databases, and secure compatibility of both databases. More details of the cooperation would be reported at the fiftieth session of the CAJ.

72. The representative of the European Community indicated that CPVO was grateful for the work and cooperation with the Office of the Union and that CPVO would, in particular, use the UPOV Code System in its database for variety denominations. He further indicated that CPVO would favor a quick and efficient system for the introduction and amendment of codes.

73. The Delegation of the United States of America expressed its appreciation for the work being undertaken. The Delegation strongly supported the development of a Web-based database to maximize efficiency and to ensure compatibility, not just with CPVO, but with other users. It welcomed the cooperation between CPVO and UPOV in the development of both databases and the possible cost-saving, whilst indicating the importance that the cooperation should not hamper future development of the UPOV software and related uses. The Delegation further expressed its agreement in relation to the proposals in paragraph 46(a), (b) and (c) of document TC/40/6-CAJ/49/4.

74. In reply to the comments made by the Delegation of the United States of America, the Vice Secretary-General confirmed that the Memorandum of Understanding would not hamper possible future developments or uses of the UPOV Plant Variety Database.

75. The representative of ISF expressed its encouragement for the developments concerning the UPOV Plant Variety Database. The representative requested that the additional information on the UPOV-ROM be included on the Web-based database and that the CD-ROM media be continued for a long time since it was important for some countries.

76. The Technical Director indicated that, at the fifty-first session of the CAJ, it was planned to demonstrate a prototype of the UPOV Web-based Plant Variety Database.

77. The Delegation of Argentina supported the cooperation between UPOV and CPVO. It noted that a simplified format for the submission of data to the Plant Variety Database was a very important development. In relation to paragraph 46 of document TC/40/6-CAJ/49/4, the Delegation endorsed the possibility that the Plant Variety Database be updated on a monthly basis.

78. The Chair recorded that the CAJ took note of the information provided in document TC/40/6-CAJ/49/4 and agreed with the proposals in paragraphs 45, 46 and 47 of that document.

Publication of Variety Descriptions

79. The Technical Director reported on the meeting of the *Ad hoc* Working Group on the Publication of Variety Descriptions (WG-PVD) held in Geneva on March 31, 2004.

80. The Working Group on the Publication of Variety Descriptions (WG-PVD) had met on the evening of March 31, 2004. Firstly, it had reviewed progress in the model study, and in that respect it was fortunate in having two of the coordinators of the model study attending the meeting. Secondly, it had considered how to address the administrative, legal and financial issues that were raised by the CAJ at its last meeting. Thirdly, it had reviewed the workplan and the future work. Most of the discussions revolved around the model study and technical aspects. The Technical Director highlighted that model studies would now be conducted on eight crops, these being apple, barley, Chinese Cabbage, Lettuce, Petunia, Potato and Strawberry. It was confirmed that the proposal to include Rose in the study had been withdrawn and instead, Alstroemeria was included in the model study.

81. The main focus of the discussions in the WG-PVD had been to look at the number of varieties for which descriptions were to be compared. The WG-PVD had noticed that, for example, in Barley, Lettuce and Potato there were very large numbers of varieties and,

therefore, large numbers of descriptions which would be compared. In two of the crops, namely Chinese Cabbage and Alstroemeria, there was a relatively small number of varieties, but this was because the number of varieties described in more than one territory was very small. However, it was noted that in two crops, namely Apple and Strawberry, there might be some encouragement to include a larger number of varieties. In addition, in order to increase the range of coverage of the model study overall, it was decided to circulate, to all members of the Union, the lists of varieties on which the model studies would be based, and to encourage members to provide descriptions of those varieties where available. It was considered important to emphasize that it was not necessary to provide descriptions of all the varieties if some were not available. It was also emphasized that descriptions would be useful even where these did not contain all the characteristics.

82. A further matter concerning the technical aspects was the need to conduct a thorough analysis of the data received and how to present that data. It was recognized that, in general, this was a matter for the statisticians. However, a proposal was made that the GAIA software developed in France might be used in the model study and that proposal would be considered further.

83. The WG-PVD also considered the development of the project in relation to the development of the web-based database, because of the possibility of including variety description information in that database in the future - if that was decided to be appropriate. It was concluded that it was necessary to bear in mind the possibility of including descriptions, but also photographs and ways of linking the two types of information for a variety.

84. As far as the administrative, legal and financial issues were concerned, there had been a brief discussion, and it was clear that, at this stage, there were no barriers to the study and no urgent matters concerning administrative, legal and financial issues that needed to be addressed. For that reason, the meeting planned in October 2004 to look at the administrative and legal issues had been cancelled and the next meeting would take place in April 2005 when there could be a review of progress on the model studies.

85. The CAJ noted and welcomed the work of the WG-PVD.

Variety Denominations

86. The Senior Legal Officer reported on the sixth meeting of the *Ad hoc* Working Group on Variety Denominations (WG-VD), held in Geneva on April 1, 2004, at which 18 participants were present from 11 members and 3 observer organizations. The WG-VD studied a proposal to revise UPOV Recommendation 9 and the List of Classes for Variety Denomination Purposes (documents WG-VD/5/3 and WG VD/6/2).

87. The contents of document WG-VD/5/3 were based on the replies to the Questionnaire concerning that matter, addressed to members and observers of the CAJ. It contained a redrafting of Recommendation 9 and proposals for the revision of the list of classes for variety denomination purposes which assisted in the understanding and application of certain elements of Article 20(2) of the 1991 Act of the UPOV Convention (or the equivalent under the 1978 Act). It had been found necessary to receive additional information on the proposals to revise the list of classes and authorities had been requested to provide the reasoning behind

those proposals. That additional information received from eight authorities and two organizations appeared in document WG-VD/6/2.

88. The consensus reached at the WG-VD was that, in the absence of clear reasons otherwise, classes should be deleted in favor of the general principle. The authorities would be contacted again shortly in order to provide further comments on the proposals to revise the List of Classes.

89. The WG-VD reached a consensus in relation to certain proposals for revision of the List of Classes and also identified other proposals which would require further consultation or coordination with relevant parties. For example, the Technical Working Party for Ornamental Plants and Forest Trees (TWO) and Technical Working Party for Fruit Crops (TWF) would be consulted in relation to proposals concerning ornamental plants and fruit genera and species, respectively. The WG-VD would seek to finalize, at its next meeting, a complete proposal to revise the List of Classes for variety denomination purposes.

90. At the next meeting of the WG-VD, to be held in October 2004, the WG-VD would study a new draft of document "Draft Explanatory Notes on Article 20 of the 1991 Act of the UPOV Convention Concerning Variety Denominations".

Program for the Fiftieth Session

91. It was agreed that the program for the fiftieth session would include the following items:

1. Draft recommendations concerning information, documents or material furnished for examination purposes
2. Draft recommendations to ensure the independence of those DUS examination centers which have, or have links to, breeding activities
3. Draft Explanatory Notes on Article 15(1)(i) and (2) of the 1991 Act of the UPOV Convention: Acts done privately and for non-commercial purposes and provisions on farm-saved seed
4. Molecular techniques
5. UPOV information databases
6. Specific issues concerning the interface between patents and breeders' rights
7. Publication of variety descriptions
8. Variety denominations.

Other Matters

92. The Chair explained that the new item of the agenda “Other matters” concerned the proposal to the Council of a candidate for the Vice-Chairmanship of the CAJ. She reported that, on December 12, 2003, Mr. Doug Waterhouse, Registrar, Plant Breeder’s Rights, Department of Agriculture, Fisheries and Forestry of Australia, had informed the Office of the Union that he would not be able to continue to serve as Vice-Chair of the CAJ due to his election, on October 23, 2003, as Vice-President of the Council of UPOV. It was, therefore, necessary that the CAJ propose a candidate to be elected by the Council of UPOV as the Vice-Chair of the CAJ for the remaining period of the term of office, starting on April 2, 2004, and ending with the thirty-eighth ordinary session of the Council, on October 21, 2004.

93. It was agreed that the CAJ should propose that Mr. Krieno Fikkert (Netherlands) be elected by the Council as Vice-Chair of the CAJ at the twenty-first extraordinary session of the Council of UPOV, on April 2, 2004.

94. *The present report has been adopted by correspondence.*

[Annex I follows]

ANNEXE I / ANNEX I / ANLAGE I / ANEXO I

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS /
TEILNEHMERLISTE / LISTA DE PARTICIPANTES

(dans l'ordre alphabétique des noms français des États/
in the alphabetical order of the names in French of the States/
in alphabetischer Reihenfolge der französischen Namen der Staaten/
por orden alfabético de los nombres en francés de los Estados)

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Makoto TABATA, Senior Counsellor
Yolanda HUERTA (Mrs.), Senior Legal Officer

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ANNEX II

Declaration Made by the Delegation of Lithuania

Madam President,
Ladies and Gentlemen,

On behalf of the Government of the Republic of Lithuania, on behalf of the Ministry of Agriculture, Lithuania appreciates the warm welcome into the UPOV family. We are very honored to be a member of UPOV.

On November 10, 2003, Lithuania deposited its instrument of accession to the UPOV Convention (1991 Act). On December 10, 2003, Lithuania became the fifty-fourth member of UPOV.

On October 20, 1999, the Council of UPOV examined the conformity of the Law on the Protection of Plant Varieties and Seed Cultivation of 1997 with the provisions of the UPOV Convention. According to the recommendations of the Council of UPOV and the relevant authorities of Lithuania, the new Law on the Protection of Plant Varieties was adopted by the Parliament of the Republic of Lithuania on November 22, 2001.

Plant breeders' rights in Lithuania fall under the responsibility of the Lithuanian State Plant Varieties Testing Centre. This Centre has the appropriate legal and institutional framework for the grant of protection of plant breeders' rights. The staff received excellent training in Denmark in the field of plant breeders' rights.

Lithuania cooperates in DUS testing with Estonia and Poland. As of today, protection is available in Lithuania for 22 genera and species of agricultural plants, vegetables and fruit trees.

I would like to emphasize our gratitude for the assistance received by the Office of the Union in the legislative and accession procedures of Lithuania to the UPOV Convention.

I would like also to convey thanks to experts from Denmark, France, the Community Plant Variety Office (CPVO), and from other authorities of members of the Union for their help and cooperation.

Thank you.

[End of Annex II and of document]