



CAJ/52/5

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**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**  
GENEVA

**ADMINISTRATIVE AND LEGAL COMMITTEE**

**Fifty-Second Session**  
**Geneva, October 24 and 25, 2005**

REPORT

*adopted by the Administrative and Legal Committee*

Opening of the Session

1. The Administrative and Legal Committee (CAJ) held its fifty-second session in Geneva on October 24, 2005, under the Chairmanship of Mr. Krieno Fikkert (Netherlands).
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.
4. The Chair extended a warm welcome to the Delegation of the European Community, which had become the first intergovernmental organization to be a member of UPOV on July 29, 2005, and to the Delegation of Albania, a State which had become the sixtieth member of UPOV on October 15, 2005.
5. The Delegations of the European Community and Albania expressed their gratitude for the welcome which they had received on becoming members. The Statements made by those Delegations are reproduced in Annexes II and III to this document, respectively.
6. The Chair confirmed that the report of the fifty-first session of the CAJ had been adopted by correspondence (document CAJ/51/6) and was available on the UPOV website.

Adoption of the Agenda

7. The CAJ adopted the agenda as presented in document CAJ/52/1.

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

8. The Vice Secretary-General informed the CAJ that discussions at the fifty-first session of the CAJ, in April 2005, and comments received by the Office of the Union had indicated that there were certain aspects of document CAJ/51/3 where consensus could not be reached. Therefore, it was suggested not to pursue the development of a document for adoption. However, he noted that document CAJ/51/3 contained many elements on which there was agreement and which could guide the Office of the Union, for example, in the preparation of distance learning materials and in its advice on the drafting of legislation of future members.

9. The CAJ agreed that no consensus on a document on the above subject was feasible for the time being and agreed not to pursue the development of a document for adoption. The CAJ noted that the material gathered in the framework of that item would be useful for the work of the Office of the Union.

Draft Guidance Concerning Information, Documents or Material Furnished by the Breeder for Examination Purposes and for Verifying the Maintenance of Varieties and Draft Recommendations to Ensure the Independence of those DUS Examination Centers which have, or have links to, Breeding Activities

10. The Vice Secretary-General recalled that an extensive discussion took place at the fifty-first session of the CAJ, in April 2005, on document CAJ/51/4. Those discussions and comments received by the Office of the Union indicated that there were certain aspects where consensus could not be reached. It was therefore suggested not to pursue the development of a document for adoption.

11. In relation to document CAJ/49/3 “Draft recommendations to ensure the independence of those DUS examination centers which have or have links to breeding activities”, the Vice Secretary-General recalled that the CAJ decided, at its fifty-first session, that that matter was connected with discussions on document CAJ/51/4, and that document CAJ/49/3 would need to be modified. If appropriate, the matter would be taken up at a future session of the CAJ.

12. The representative of the International Seed Federation (ISF) noted in relation to items 3 and 4 of the agenda (document CAJ/52/1) that any decision not to pursue the development of a document for adoption was a matter for the members of UPOV. However, he expressed regret at such a decision, because he considered the harmonized implementation of the UPOV Convention was very important.

13. The Delegation of the Netherlands agreed that harmonization was very important and wondered about the consequences of the decisions concerning items 3 and 4 in relation to

item 7 (Explanatory notes on the 1991 Act of the UPOV Convention) of the agenda (document CAJ/52/1).

14. The Chair clarified that harmonization efforts would continue, but that in relation to documents CAJ/51/3 and CAJ/51/4, no consensus was possible for the time being.

15. The Vice Secretary-General recalled that discussions on documents CAJ/51/3 and CAJ/51/4 had been very helpful to explore important issues and had provided useful information on aspects where there was consensus.

16. The CAJ agreed not to pursue the development of a document for adoption and decided not to continue with that item on the CAJ agenda, at least for the time being.

### Molecular Techniques

17. The Vice Secretary-General introduced document CAJ/52/2.

18. The Delegation of the United States of America considered that the Annex to document CAJ/50/4 was not sufficiently clear. Despite some concerns with the Annex, the Delegation believed that the principle of providing a guidance paper to support harmonization of the use of molecular techniques was a good one. It supported the reworking of the document for clarity purposes. It considered that, in particular, it was important for the Technical Committee (TC) to reflect on the purpose of the document and how it would be used. The use of molecular markers for DUS examination was a very controversial issue, as was their use for identification purposes, although to a lesser extent. It was also an area that was continually changing and might differ from crop to crop or species to species. The Delegation concluded that it supported the suggestion made by the TC Chairperson's group for a reworking of the document, and suggested to the TC to reconsider its form and content before a redrafting.

19. The Delegation of the European Community agreed with the decision to amend the text of the Annex to document CAJ/50/4, subject to the reworking of the document being limited to editorial changes only.

20. The Delegation of France noted that, based on the contents of document CAJ/52/2, the CAJ could not, by itself, decide on the modifications that should be made to the Annex of document CAJ/50/4. The TC needed to be associated with that work. If the TC decided to present another document, then the CAJ could make comments as appropriate.

21. In reply to the request for clarification concerning paragraph 6(b) of CAJ/50/4 made by the Delegation of Argentina, the Chair recalled that, at its fifty-first session, the CAJ agreed to amend paragraph 6(b) separately to read "invite the *Ad hoc* Subgroup of Technical and Legal Experts of Biochemical and Molecular Techniques (BMT Review Group) to examine the possible use of molecular tools for variety identification in relation to the enforcement of plant breeders' rights, technical verification and the consideration of essential derivation".

22. The CAJ noted that, on the basis of comments in the CAJ, the document on molecular techniques, contained in the Annex to document CAJ/50/4, required a substantial editorial reworking. It agreed that the comments of the CAJ should be reported to the TC, which could decide whether to undertake the reworking of the document.

Draft Explanatory Notes on Article 20 of the 1991 Act of the UPOV Convention Concerning Variety Denominations

23. The Senior Legal Officer introduced document CAJ/52/3.

24. The Delegation of Australia expressed its appreciation of the work of the Working Group on Variety Denominations (WG-VD). The Delegation suggested to include some elements of the preamble in document UPOV/INF/12 Rev., which outlined the benefits and the purpose of harmonization, in the introduction of Annex II to document CAJ/52/3. It noted that many of those preambulatory comments were not included in the proposed document, or were distributed throughout it. While noting that the TC and the Technical Working Parties (TWPs) had been associated with the development of the proposed list of classes, the Delegation observed that there were some classes where there was not yet consensus. It also wondered how the list of classes might affect other international obligations such as those contained in the International Code of Nomenclature for Cultivated Plants (ICNCP) and suggested that an explanation of the reasons for any deviation from those other obligations would remove any confusion that breeders might have.

25. The Delegation of the European Community agreed with the Draft Explanatory Notes on Article 20 of the 1991 Act of the UPOV Convention concerning variety denominations, reproduced in Annex II to document CAJ/52/3, while noting minor differences with arrangements in the European Community. It agreed that, once those Draft Explanatory Notes were adopted by the Council of UPOV, they should supersede the current UPOV Recommendations on Variety Denominations. The Delegation agreed that no further meetings of the WG-VD were necessary.

26. The Delegation of the United States of America expressed its thanks for the work of the WG-VD and proposed that the presentation of the document be modified in order to make it clear that the Explanatory Notes covered all Acts of the UPOV Convention.

27. The Chair proposed that the Delegation of Australia should provide the Office of the Union with the specific parts of the preamble that it wished to be inserted in the new document. The Chair requested further clarification concerning other international obligations that needed to be taken into consideration.

28. The Delegation of Australia observed that variety denominations were a complex matter and that UPOV was not the only organization dealing with that subject. For instance, it would be useful to know the reasons why, in some points, there was divergence from the ICNCP because authorities would need to explain to breeders why they had chosen a different path to the one proposed in the ICNCP.

29. The Vice Secretary-General considered that it would not be appropriate for the Draft Explanatory Notes to address other international obligations dealing with subject matters beyond the competencies of UPOV.

30. The Delegation of Argentina proposed that, if the Draft Explanatory Notes were meant to replace the existing Recommendations, reference should be made to both the 1978 and 1991 Acts of the UPOV Convention.

31. The Senior Legal Officer confirmed that the Draft Explanatory Notes were intended to cover the different Acts of the UPOV Convention and noted that there were no differences in

substance between Article 20 of the 1991 Act and Article 13 of the 1961 Convention and the 1978 Act. The title and presentation of the next version of the document would be modified to make that clear. She explained that the rapporteur of the ICNCP had been invited to the WG-VD and had participated in several of its meetings. She confirmed that the TC and relevant TWPs had been involved in the development of the proposals to revise the list of classes for variety denomination purposes. As indicated in paragraph 4(c) of document CAJ/52/3, consultation was pending only with the Technical Working Party for Agricultural Crops (TWA) concerning classes 203 and 204 of Part II in the Appendix III to document CAJ/52/3.

32. The Delegation of the United States of America proposed that, in order to address the comments of the Delegation of Australia, the introduction to the document should clarify that guidance provided in that document was intended to be mutually supportive with other international treaties.

33. The Chair clarified that the ICNCP was not an international treaty and that it had been drafted by the International Union of Biological Sciences (IUBS) Commission which, as such, was not an intergovernmental organization, but rather a non-governmental organization. On that basis, the comments made by the Delegations of Argentina, Australia and the United States of America could be duly reflected in the new version of the document.

34. In relation to Draft Explanatory Note 2.2.2(b) of Annex II of document CAJ/52/3 concerning denominations consisting “solely of figures”, the Delegation of Australia wondered whether the words “and certain species” should be added after “accepted market practices for particular variety types”, with the inclusion of an appropriate example. As regards Draft Explanatory Note 2.3.1(a), the Delegation considered that the example of “red ruby” was not clear and suggested that it be replaced by a less ambiguous example, for example “dwarfness”. In relation to Draft Explanatory Note 2.4, it suggested that the general principle of “one genus equals one class” should be placed in the document in a prominent place. In relation to the exceptions to the general principle “one genus equals one class”, it proposed that the reason for including species from more than one genera in one class should be explained in the document.

35. The Senior Legal Officer explained that the general principle of “one genus equals one class” was indirectly covered in Draft Explanatory Note 2.4.3 of Annex II and in the explanations to Parts I and II of its Appendix III of document CAJ/52/3, but noted that it could be made more prominent.

36. The Delegation of Australia was concerned by the reaction of breeders as there were other registration schemes for variety names. The Delegation noted that Article 20(2) required that denominations should be different from the denominations of “existing” varieties of the same plant species or a closely related species. Breeders had commented that there were other registration schemes, such as that of the Royal Horticulture Society (RHS), which were not intellectual property rights, and which should be mentioned under Draft Explanatory Note 4(a).

37. The Chair clarified that there was a difference between variety denominations registered for plant breeders’ rights and other variety names. If denominations were known, they should be compared with the proposed denomination. However, he did not consider that there was a “right”, in the sense of Draft Explanatory Note 4(a), arising from a registration under a scheme such as the RHS. It was unlikely that a name registered under the scheme of

RHS could be considered as a prior right, in the same way as a trademark. The registration of a denomination under the UPOV Convention was different from the registration of names by RHS. The RHS registration was not concerned with, or related to, a grant of an intellectual property right.

38. Concerning the searches that authorities should undertake to identify prior rights in Draft Explanatory Note 4(a), the representative of the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA) proposed to change “they may also make” by “[t]hey are encouraged to make” in relation to searches in other registers, such as trademark registers, unless the breeder presented proof that he had an arrangement with the trademark holder. He recalled that the recommendation on trademark searches was made in order to avoid court cases.

39. The Delegation of France was not in favor of adding other examples to the list of prior rights. It was difficult for an authority to verify whether a prior right was in force. As regards organizations under private law, the Delegation said that it was for the Courts to decide whether a private registration led to a right and not for the plant breeders’ rights (PBR) authority. It further noted that making searches in relation to prior trademark rights was very complex. Decisions on the basis of those searches fell outside the competencies of the PBR authority and could be considered an interference in relation to the field of competency of trademark authorities.

40. The Delegation of Germany proposed, in order to address the concern expressed by the Delegation of Australia, to add in the first sentence of Draft Explanatory Note 4(a) the words “among others” just after “third party”. On issues concerning prior rights, it considered that it should be a matter for interested parties to assert their rights. The possibility to make relevant searches should be left to the authority’s discretion.

41. The representative of CIOPORA wondered whether the addition of “*inter alia*” or “other rights under private law” could be useful.

42. The Chair wondered if adding “*inter alia*” in the first sentence of Draft Explanatory Note 4(a) would address the concerns raised. He concluded that it would not be appropriate to modify the current drafting in relation to trademark searches.

43. The Delegation of the European Community observed that the concerns of the Delegation of Australia were already covered by Draft Explanatory Notes corresponding to Article 20(2). In consequence, there was no need to add the amendment proposed by the Delegation of Germany. The Delegation recalled that the Draft Explanatory Notes were meant to provide guidance, and it was at the discretion of the authorities to decide in which way those recommendations should apply to a particular situation. The Delegation preferred that the Draft Explanatory Note 4(a) should be retained unchanged.

44. The Delegation of Australia noted the comments made by the Delegation of the European Community about the discretionary nature of the recommendations and, on that basis, agreed to retain the text of Draft Explanatory Note 4(a) unchanged. The Delegation of Germany agreed to retain the text of Draft Explanatory Note 4(a) unchanged.

45. The Delegation of New Zealand wondered whether the guidance covered situations where a denomination should be rejected because it used traditional names for plants, or was offensive to, for example, the Maori community.

46. The Chair observed that the matter raised by the Delegation of New Zealand might be covered by Draft Explanatory Note 5.3(b).

47. The Delegation of Australia, in relation to Appendix II to Annex II of document CAJ/52/3 “Reply to observations on a submitted variety denomination” proposed to add the following new box: “The applicant has changed the proposed denomination for the variety”.

48. The Chair concluded that a new version of the Draft Explanatory Notes on Variety Denominations under the UPOV Convention would be presented at the fifty-third session of the CAJ in April 2006, incorporating the following editorial amendments:

(a) the inclusion of relevant elements of the preamble in document UPOV/INF/12 Rev., which outlined the benefits and the purpose of harmonization, in the introduction of the draft explanatory notes;

(b) the title and presentation to be modified to make it clear that the draft explanatory notes covered all Acts of the UPOV Convention;

(c) in relation to Draft Explanatory Note 2.2.2(b) of Annex II of document CAJ/52/3 the words “and certain species” would be added after “accepted market practices for particular variety types”, with the inclusion of an appropriate example;

(d) as regards Draft Explanatory Note 2.3.1(a), the example of “red ruby” would be replaced by a more suitable example;

(e) the next version of the document would present the principle of “one genus equals one class” in an explicit manner;

(f) the reason for including species from more than one genera in one class would be explained in the document; and finally

(g) in relation to Appendix II to Annex II of document CAJ/52/3 “Reply to observations on a submitted variety denomination”, a new box “The applicant has changed the proposed denomination for the variety” would be added.

49. The Chair noted that the CAJ would receive further advice from the TWA in relation to the grouping in classes 203 and 204 of Part II in the Appendix III to document CAJ/52/3.

50. The CAJ agreed that, once the Draft Explanatory Notes were approved by the CAJ and adopted by the Council of UPOV, the “UPOV Recommendations on Variety Denominations” should be superseded by those Explanatory Notes. It was also decided that no further meetings of the WG-VD should take place, unless proposed by the CAJ.

#### Approach for the Development of Information Materials Concerning the 1991 Act of the UPOV Convention

51. The Vice Secretary-General introduced document CAJ/52/4.

52. The Delegation of the European Community expressed its agreement with the proposed approach to the preparation of information materials, the establishment of an advisory group

and the proposed list of provisions in paragraph 15 of document CAJ/52/4, with the suggestion to add the provisions on Article 14(2) of the 1991 Act concerning “[a]cts in respect of the harvested material”.

53. The representative of ISF expressed his support of the proposal by the Delegation of the European Community to add to the Table the provisions of Article 14(2) of the 1991 Act, in particular in relation to the need to explain the sentence “unless the breeder has had reasonable opportunity to exercise his right in relation to the said propagating material”.

54. The representative of CIOPORA was in favor of the addition of Article 14(2) to the Table, as requested by the Delegation of the European Community and the representative of ISF.

55. The Delegation of Argentina was in favor of information materials being developed to cover the different Acts of the UPOV Convention. The Delegation expressed its support of the establishment of an advisory group.

56. The Delegation of the United States of America considered the proposals in document CAJ/52/4 to be very useful, especially in relation to frequently asked questions. The Delegation expressed its support for the proposed approach to prepare information materials as explained in paragraphs 8 to 10 of document CAJ/52/4. The proposed approach was a good balance between guidance and the required flexibility. The Delegation considered that the advisory group would help to identify those elements that required consideration at the CAJ session.

57. In relation to a point raised by the Delegation of the United States of America concerning paragraph 10 of document CAJ/52/4, the Vice Secretary-General clarified that, in cases where the drafts of seemingly straight-forward materials provoked unexpected concerns when circulated for comments, the assistance of the advisory group would be sought prior to the CAJ being invited to discuss those matters at its sessions.

58. The Delegation of the United States of America supported the addition of provisions of Article 14(2) of the 1991 Act to the list in the Table of document CAJ/52/4.

59. The representative of CIOPORA inquired whether there was a particular time frame in the development of the information materials on matters contained in the Table of document CAJ/52/4.

60. The Vice Secretary-General explained that the preparation of materials to be circulated for approval could start immediately. For the other matters, a program of work would be prepared with the assistance of the advisory group, once it had been established.

61. The Delegation of the European Community requested clarification of the body under which the advisory group would operate and who would be the Chair.

62. The Chair clarified that it was proposed that the advisory group would operate under the CAJ. The Office of the Union, in consultation with the Chair of the CAJ, would invite experts to participate in the advisory group. As the purpose of the advisory group was to assist the Office of the Union to prepare documents for the CAJ, it was intended that the group would be chaired by the Vice Secretary-General.



63. The Delegation of Colombia was in favor of the proposed approach to prepare information materials and wondered whether it was possible to add other Articles to the list, such as Article 1(vi) concerning the “definition of variety” and Article 16 on the “exhaustion of rights” of the 1991 Act, which it considered were important matters. The Delegation supported the establishment of an advisory group.

64. The Chair suggested that the inclusion of other Articles should be carefully considered with the assistance of the advisory group, bearing in mind the time and budgetary resources available to undertake the work.

65. The Delegation of Argentina suggested that technical matters should be left to the TC and the work of the CAJ should be focused on the legal aspects, such as exceptions to the breeders’ rights, variety denominations, nullity and cancellation.

66. The Vice Secretary-General proposed that the advisory group should assist the CAJ in establishing the priorities concerning the development of information materials.

67. The CAJ agreed to the proposed approach to prepare information materials concerning the UPOV Convention, as explained in paragraphs 8 to 10 of document CAJ/52/4; the establishment of an advisory group, as proposed in paragraphs 11 to 14 of the same document; and the proposed list of provisions presented in paragraph 15 of document CAJ/52/4, on the basis that:

(a) Article 14(2) of the 1991 Act should be added to the list;

(b) in cases where the drafts of seemingly straight-forward materials provoked unexpected concerns when circulated for comments, the assistance of the advisory group would be sought prior to the CAJ being invited to discuss those matters at its sessions;

(c) information materials should cover all relevant Acts of the UPOV Convention;

(d) the inclusion of other Articles, such as Articles 1(vi) and 16 of the 1991 Act, should be carefully considered with the assistance of the advisory group, bearing in mind the time and budgetary resources available to undertake the work; and finally

(e) the advisory group would assist the CAJ in establishing the priorities and in identifying any additional issue where the input of the CAJ would be required.

#### UPOV Information Databases

68. The Technical Director made an oral report on the GENIE database, the introduction of the UPOV codes in the data submitted for the UPOV-ROM Plant Variety Database and plans for the development of a web-based version of the Plant Variety Database.

69. The prototype of the GENIE database, that was presented to the last session of the CAJ, had been tested successfully and was currently being developed into a format which could be placed on the UPOV website. It was planned to make GENIE available on the freely accessible area of the UPOV website in the near future.

70. In relation to the UPOV code, some members of the Union had already started to introduce the UPOV codes into their UPOV-ROM data. However, it was noted that the UPOV code had no great value unless codes were attributed to all the varieties in the UPOV-ROM. The Office of the Union had already placed spreadsheets containing all UPOV codes on the website for contributors to use, but had not announced that widely. In due course, a circular would be sent to all UPOV-ROM contributors encouraging them to start using UPOV codes. In conjunction with that announcement, the Office of the Union planned to notify all contributors that the Community Plant Variety Office (CPVO) had reviewed all varieties in the UPOV-ROM (not just the data from the countries of the European Union) and had identified what they considered to be appropriate UPOV codes for those varieties because the CPVO was obliged to enter the UPOV code for all data in their own database. The Office of the Union would explain that the codes proposed by the CPVO could be made available to those contributors who might find that information helpful.

71. With regard to the development of a web-based version of the Plant Variety Database, it was explained that the efforts of the Office of the Union and those of the IT colleagues of the World Intellectual Property Organization (WIPO) were concentrated on the GENIE database and the introduction of the UPOV codes and, as a result, there had not been further substantial developments since April 2005. However, as one of the measures for increasing information and training on its use, the Office of the Union had included information on the UPOV-ROM in the UPOV distance learning program.

#### Program for the Fifty-Third Session

1. Opening of the session
2. Adoption of the agenda
3. Molecular techniques
4. Draft explanatory notes on variety denominations under the UPOV Convention
5. Development of information materials concerning the UPOV Convention
6. TGP documents
7. Enforcement of plant breeders' rights
8. UPOV information databases
9. Publication of variety descriptions
10. Program for the fifty-fourth session
11. Closing of the session

Other Matters

72. The CAJ noted the information provided by the Vice Secretary-General that, as agreed by the Consultative Committee, working documents would only be made available on the UPOV website and would no longer be distributed by mail. Delegates and representatives were encouraged to bring their own copies to the relevant sessions.

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

[Annexes follow]

ANNEXE I / ANNEX I / ANLAGE I / ANEXO I

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

I. MEMBRES / MEMBERS / VERBANDSMITGLIEDER / MIEMBROS

(dans l'ordre alphabétique des noms français des membres/  
in the alphabetical order of the names in French of the members/  
in alphabetischer Reihenfolge der französischen Namen der Mitglieder/  
por orden alfabético de los nombres en francés de los miembros)

ALBANIE / ALBANIA / ALBANIEN

Ndoc FASLIA, Deputy Minister, Ministry of Agriculture, Food and Consumer Protection,  
Bulevardi "Deshmoret e Kombit", Tirana (tel.: +355 4 228 379 fax: +355 4 228 379  
e-mail: ndocf@icc-al.org)

Petrit TOPI, Director, Seed Institute, Ministry of Food and Agriculture, Rr. Siri Kodra, Tirana  
(tel.: +355 4 362 419 (office) fax: +355 4 362 419 e-mail: petrittopi@yahoo.com)

Irfan TARELLI, Head of Extension Section, Ministry of Agriculture, Food and Consumer  
Protection, Bulevardi "Deshmoret e Kombit, Tirana (tel.: +355 425 0972  
fax: +355 422 3269 e-mail: irtarelli@yahoo.com)

ALLEMAGNE / GERMANY / DEUTSCHLAND / ALEMANIA

Michael KÖLLER, Referatsleiter Rechtsangelegenheiten, Bundessortenamt,  
Osterfelddamm 80, 30627 Hannover (tel.: +49 511 9566624 fax: +49 511 563362  
e-mail: michael.koeller@bundessortenamt.de)

ARGENTINE / ARGENTINA / ARGENTINIEN

Carmen Amelia M. GIANNI (Sra.), Directora de Asuntos Jurídicos, Instituto Nacional de  
Semillas (INASE), Paseo Colón 922, 3 piso, of. 308/310, 1063 Buenos Aires  
(tel.: +54 11 4349 2430 fax: +54 11 4349 2421 e-mail: cgiann@mecon.gov.ar)

AUSTRALIE / AUSTRALIA / AUSTRALIEN

Doug WATERHOUSE, Registrar, Plant Breeder's Rights Office, IP Australia, P.O. Box 200,  
Woden, ACT 2606 (tel.: +61 2 6283 7981 fax: +61 2 6283 7999  
e-mail: doug.waterhouse@ipaaustralia.gov.au)

BELGIQUE / BELGIUM / BELGIEN / BÉLGICA

Camille VANSLEMBROUCK (Mme), Ingénieur, Office de la propriété intellectuelle,  
North Gate III, 5ème étage, 16, blvd. du Roi Albert, 1000 Bruxelles (tel.: +32 2 206 5158  
fax: +32 2 206 5750 e-mail: camille.vanslembrouck@mineco.fgov.be)

BOLIVIE / BOLIVIA / BOLIVIEN

Luis Alberto HURTADO VACA, Gerente Técnico, Oficina Regional de Semillas, Ministerio de Asuntos Campesinos y Agropecuarios, Av. Santos Dumont/ Calle Cap. Dardo Arana No. 180, C.P. 2736, Santa Cruz de la Sierra (tel.: +591 33 523 272 fax: +591 33 523 056 e-mail: l.hurtado@semillas.org)

BRÉSIL / BRAZIL / BRASILIEN / BRASIL

Daniela DE MORAES AVIANI (Mrs.), Coordinator, National Plant Variety Protection Service (SNPC), Ministry of Agriculture, Livestock and Supply, Esplanada dos Ministérios Bloco 'D', Anexo A, Sala 249, Brasilia, D.F. 70043-900 (tel.: +55 61 3218 2549 fax: +55 61 3224 2842 e-mail: daniela@agricultura.gov.br)

CANADA / KANADA / CANADÁ

Valerie SISSON (Ms.), Commissioner, Plant Breeders' Rights Office, Canadian Food Inspection Agency (CFIA), 59 Camelot Drive, Ottawa, Ontario K1A 0Y9 (tel.: +1 613 225 2342 fax: +1 613 228 6629 e-mail: vsisson@inspection.gc.ca)

Michel CORMIER, Examiner, Plant Breeders' Rights Office, Canadian Food Inspection Agency (CFIA), 59 Camelot Drive, Ottawa, Ontario K1A 0Y9 (tel.: +1 613 2252342 fax: +1 613 2286629 e-mail: mcormier@inspection.gc.ca)

CHILI / CHILE

Juan Carlos SILVA POBLETE, Director, División de Semillas, Servicio Agrícola y Ganadero (SAG), Ministerio de Agricultura, Avda. Bulnes 140, piso 2, Casilla 1167-21, Santiago (tel.: +56 2 345 1560 fax: +56 2 697 2179 e-mail: juancarlos.silva@sag.gob.cl)

Enzo CERDA, Jefe, Subdepartamento: Registro de Variedades, Servicio Agrícola y Ganadero (SAG), Ministerio de Agricultura, Avda. Bulnes 140, piso 2, Casilla 1167-21, Santiago (tel.: +56 2 345 1565 fax: +56 2 697 2179 e-mail: enzo.cerda@sag.gob.cl)

Maximiliano SANTA CRUZ, Primer Secretario, Misión Permanente, 58, rue Moillebeau, 1211 Ginebra 19, Suiza (tel.: +41 22 919 8800 fax: +41 22 734 5297 e-mail: misionchile@misginchile.org)

CHINE / CHINA

ZHOU Jianren, Director, Office for the Protection of New Varieties of Plants, State Forestry Administration, 18, Hepingli East Street, Beijing 100714 (tel.: +86 10 842 39104 fax: +86 10 6421 3084 e-mail: webmaster@cnpvp.net)

LI Yanmei (Mrs.), Project Administrator, International Cooperation Department, State Intellectual Property Office (SIPO), P.O. Box 8020, 6, Xitucheng Road, Haidian District, Beijing 100088 (tel.: +86 10 6208 3288 fax: +86 10 6201 9615 e-mail: liyanmei@sipo.gov.cn)

COLOMBIE / COLOMBIA / KOLUMBIEN

Ana Luisa DÍAZ JIMÉNEZ (Sra.), Coordinador Nacional, Derechos de Obtentor de Variedades y Producción de Semillas, Instituto Colombiano Agropecuario (ICA), Calle 37, # 8-43, Piso 4, Bogotá D.F. (tel.: +57 1 232 8643 fax: +57 1 232 4697 e-mail: obtentores.semillas@ica.gov.co)

COMMUNAUTÉ EUROPÉENNE / EUROPEAN COMMUNITY /  
EUROPÄISCHE GEMEINSCHAFT / COMUNIDAD EUROPEA

Jacques GENNATAS, Chef de secteur, Direction Générale Santé et Protection des Consommateurs, Commission européenne, 232, rue Belliard, Office: F101 05/92, 1040 Brussels, Belgium (tel.: +32 2 295 9713 fax: +32 2 296 9399 e-mail: jacques.gennatas@cec.eu.int)

Bart KIEWIET, President, Community Plant Variety Office (CPVO), 3, boulevard Maréchal Foch, B.P. 2141, 49021 Angers Cedex 02, France (tel.: +33 2 4125 6412 fax: +33 2 4125 6410 e-mail: kiewiet@cpvo.eu.int)

Martin EKVAD, Legal Advisor, Community Plant Variety Office (CPVO), 3, boulevard Maréchal Foch, B.P. 62141, 49021 Angers Cedex 02, France (tel.: +33 2 4125 6415 fax: +33 2 4125 6410 e-mail: ekvad@cpvo.eu.int)

CROATIE / CROATIA / KROATIEN / CROACIA

Ružica ORE-JURIĆ (Mrs.), Head of Plant Variety Protection and Registration, Institute for Seeds and Seedlings, Vinkovačka cesta 63c, 31000 Osijek (tel.: +385 31 275 715 fax: +385 31 275 701 e-mail: r.ore@zsr.hr)

DANEMARK / DENMARK / DÄNEMARK / DINAMARCA

Soren Thorndal JORGENSEN, Academic Employee, Danish Plant Directorate, Skovbrynet 20, 2800 Kgs. Lyngby (tel.: +45 45 263 731 fax: +45 45 263 610 e-mail: stj@pdir.dk)

ESPAGNE / SPAIN / SPANIEN / ESPAÑA

José Francisco GARCÍA QUINTANA, Jefe de Servicio del Registro de Variedades, Oficina Española de Variedades Vegetales (OEVV), c/ Alfonso XII No. 62, 28014 Madrid (tel.: +34 91 347 5870 fax: +34 91 347 8239 e-mail: jgarciaq@mapya.es)

ÉTATS-UNIS D'AMÉRIQUE / UNITED STATES OF AMERICA /  
VEREINIGTE STAATEN VON AMERIKA / ESTADOS UNIDOS DE AMÉRICA

Karen M. HAUDA (Mrs.), Attorney-Advisor, Office of International Relations, U.S. Patent and Trademark Office (USPTO), Mail Stop International Relations, P.O. Box 1450, Alexandria, VA 22313-1450 (tel.: +1 571 272 9300 ext. 29 fax: +1 571 273 0085 e-mail: karen.hauda@uspto.gov)

Paul M. ZANKOWSKI, Commissioner, Plant Variety Protection Office, USDA, AMS, Science & Technology, 10301, Baltimore Avenue, Beltsville, MD 20705 - 2351 (tel.: +1 301 504 7475 fax: +1 301 504 5291 e-mail: paul.zankowski@usda.gov)

Karin FERRITER (Ms.), Senior Legal Advisor, Director, U.S. Patent and Trademark Office (USPTO), P.O. Box 1450, Alexandria, VA 22313-1450 (tel.: +1 571 272 7744 fax: +1 571 273 7744 e-mail: karin.ferriter@uspto.gov)

FÉDÉRATION DE RUSSIE / RUSSIAN FEDERATION / RUSSISCHE FÖDERATION /  
FEDERACIÓN DE RUSIA

Ilya GRIBKOV, Third Secretary, Permanent Mission, 15, avenue de la Paix, 1211 Geneva 20, Switzerland (tel.: +41 22 733 1870 fax: +41 22 734 4044 e-mail: igribkov@hotmail.com)

FINLANDE / FINLAND / FINNLAND / FINLANDIA

Arto VUORI, Director, Plant Variety Rights Office, Ministry of Agriculture and Forestry, Hallituskatu 3 A, P.O. Box 30, 00023 Government (tel.: +358 9 160 53316 fax: +358 9 160 52203 e-mail: arto.vuori@mmm.fi)

FRANCE / FRANKREICH / FRANCIA

Bernard MATHON, Chef, Bureau de la sélection végétale et des semences, Ministère de l'agriculture et de la pêche, DPEI / BSVS, 3, rue Barbet de Jouy, 75349 Paris 07 SP (tel.: +33 1 4955 4579 fax: +33 1 4955 5075 e-mail: bernard.mathon@agriculture.gouv.fr)

Nicole BUSTIN (Mlle), Secrétaire général, Comité de la protection des obtentions végétales (CPOV), Ministère de l'agriculture et de la pêche, 11, rue Jean Nicot, 75007 Paris (tel.: +33 1 4275 9314 fax: +33 1 4275 9425 e-mail: nicole.bustin@geves.fr)

Joël GUIARD, Directeur adjoint, Groupe d'étude et de contrôle des variétés et des semences (GEVES), La Minière, 78285 Guyancourt Cedex (tel.: +33 1 3083 3580 fax: +33 1 3083 3629 e-mail: joel.guiard@geves.fr)

HONGRIE / HUNGARY / UNGARN / HUNGRÍA

Károly NESZMÉLYI, Director-General, National Institute for Agricultural Quality Control (NIAQC), Keleti Karoly u. 24, P.O. Box 3093, 1024 Budapest (tel.: +36 1 336 9100 fax: +36 1 336 9099 e-mail: neszmelyik@ommi.hu)

Gyula Attila KISS, Head of Section, Agriculture and Variety Protection, Patent Department, Hungarian Patent Office, Pf. 552, 1370 Budapest (tel.: +36 1 474 5913 fax: +36 1 474 5914 e-mail: gyula.attila.kiss@hpo.hu)

Csaba BATICZ, Legal Officer, Hungarian Patent Office, Garibaldi u. 2, 1054 Budapest (tel.: +36 1 474 5764 fax: +36 1 474 5965 e-mail: csaba.baticz@hpo.hu)

IRLANDE / IRELAND / IRLAND / IRLANDA

Nicholas P. MCGILL, Controller of Plant Breeders' Rights, National Crop Testing Centre, Department of Agriculture and Food, Backweston, Leixlip, Co. Kildare (tel.: +353 1 630 2900 fax: +353 1 628 0634 e-mail: nicholas.mcgill@agriculture.gov.ie)

ISRAËL / ISRAEL

Michal SGAN-COHEN (Mrs.), Senior Deputy Legal Advisor and Registrar of Plant Breeders' Rights, Legal Department, Ministry of Agriculture and Rural Development, P.O. Box 30, Beit-Dagan 50200 (tel.: +972 3 948 5499 fax: +972 3 948 5898 e-mail: michalsc@moag.gov.il)

JAPON / JAPAN / JAPÓN

Keiji TERAZAWA, Director, Seeds and Seedlings Division, Agricultural Production Bureau, Ministry of Agriculture, Forestry and Fisheries (MAFF), 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo 100-8950 (tel.: +81 3 3591 0524 fax: +81 3 3502 5301 e-mail: keiji\_terazawa@nm.maff.go.jp)

Mitsuru KAMEYA, Deputy Director, Seeds and Seedlings Division, Agricultural Production Bureau, Ministry of Agriculture, Forestry and Fisheries (MAFF), 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo 100-8950 (tel.: +81 3 3591 0524 fax: +81 3 3502 5301 e-mail: mituru\_kameya@nm.maff.go.jp)

Seisuke INOUE, First Secretary, Permanent Mission, 3, chemin des Fins, 1211 Grand-Saconnex, Switzerland (tel.: +41 22 717 3225 fax: +41 22 788 3368 e-mail: seisuke.inoue@ge-japan.ch)

JORDANIE / JORDAN / JORDANIEN / JORDANIA

Hussan QUDAH, Attaché, Permanent Mission, 37-39, rue du Vermont, 1202 Geneva 20, Switzerland (tel.: +41 22 748 2000 fax: +41 22 748 2001 e-mail: hqudah@jordanmission.ch)



KENYA / KENIA

Evans O. SIKINYI, Manager, Plant Variety Rights Office, Kenya Plant Health Inspectorate Service (KEPHIS), P.O. Box 49592-00100, Oloolua Ridge, Karen, Nairobi  
(tel.: +254 020 884545 fax: +254 020 882265 e-mail: kephis@nbnet.co.ke)

LETTONIE / LATVIA / LETTLAND / LETONIA

Sergejs KATANENKO, Director, Plant Variety Testing Department, State Plant Protection Service, Lubanas iela, 49, 1073 Riga (tel.: +371 7365567 fax: +371 7365571 e-mail: sergejs.katanenko@vaad.gov.lv)

LITUANIE / LITHUANIA / LITAUEN / LITUANIA

Rita KAZRAGIENE (Mrs.), Counsellor, Permanent Mission, 15, chemin Louis Dunant, 1202 Geneva, Switzerland (tel.: +41 22 748 2473 fax: +41 22 748 2477 e-mail: rita.kazragiene@lithuanie-mission.ch)

MEXIQUE / MEXICO / MEXIKO / MÉXICO

Enriqueta MOLINA MACÍAS (Srta.), Directora, Servicio Nacional de Inspección y Certificación de Semillas (SNICS), Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación (SAGARPA), Av. Presidente Juárez, 13, Col. El Cortijo, Tlalnepantla, Estado de México 54000 (tel.: +52 55 5384 2210 fax: +52 55 5390 1441 e-mail: enriqueta.molina@sagarpa.gob.mx)

Eduardo PADILLA VACA, Subdirector, Registro y Control de Variedades, Servicio Nacional de Inspección y Certificación de Semillas (SNICS), Av. Presidente Juárez 13, Col. El Cortijo, 54000 Tlalnepantla, Estado de México (tel.: +52 55 5384 2210 fax: +52 55 5390 1441 e-mail: gat.snics@sagarpa.gob.mx)

NORVÈGE / NORWAY / NORWEGEN / NORUEGA

Kåre SELVIK, Head of Plant Variety Board, Royal Ministry of Agriculture, P.O. Box 8007 Dep., 0030 Oslo (tel.: +47 2 224 2753 fax: +47 2 224 2753 e-mail: kare.selvik@lmd.dep.no)

Haakon SØNJU, Registrar, Plant Variety Board, Moerveien, 12, 1430 Ås  
(tel.: +47 64 944400 fax: +47 64 944410 e-mail: haakon.sonju@mattilsynet.no)

NOUVELLE-ZÉLANDE / NEW ZEALAND / NEUSEELAND / NUEVA ZELANDIA

Maitland MALTBY, Assistant Commissioner of Plant Variety Rights, Plant Variety Rights Office, Private Bag 4714, Christchurch (tel.: +64 4 560 1624 fax: +64 4 560 1619 e-mail: maitland.maltby@iponz.govt.nz)

PARAGUAY

Nelson Enrique MOLAS GONZÁLES, Director, Servicio Nacional de Calidad y Sanidad Vegetal y de Semillas (SENAVE), Dirección de Semillas (DISE), Gaspar R. de Francia No. 685, c/Ruta Mcal. Estigarribia, San Lorenzo (tel.: +595 21 582 201 fax: +595 21 584 645 e-mail: dise\_senave@telesurf.com.py)

PAYS-BAS / NETHERLANDS / NIEDERLANDE / PAÍSES BAJOS

Christianus M.M. VAN WINDEN, Account Manager Propagating Material, Ministry of Agriculture, Nature and Food Quality, Postbus 20401, 2500 EK The Hague (tel.: +31 70 378 4281 fax: +31 70 378 6156 e-mail: c.m.m.van.winden@minlnv.nl)

Krieno Adriaan FIKKERT, Secretary-General, Board for Plant Breeders' Rights, Postbus 27, 6710 BA Ede (tel.: +31 318 822 580 fax: +31 318 822 589 e-mail: k.a.fikkert@rkr.agro.nl)

Ellen DE HAAS (Miss), Legal Advisor, Legal Department, Room 8220, Ministry of Agriculture, Nature and Food Quality, Postbus 20401, 2500 EK The Hague (tel.: +31 70 378 4283 fax: +31 70 378 6127 e-mail: e.de.haas@minlnv.nl)

POLOGNE / POLAND / POLEN / POLONIA

Edward S. GACEK, Director General, Research Centre for Cultivar Testing (COBORU), 63-022 Slupia Wielka (tel.: +48 61 285 2341 fax: +48 61 285 3558 e-mail: e.gacek@coboru.pl)

Julia BORYS (Ms.), Head, DUS Testing Department, Research Centre for Cultivar Testing (COBORU), 63-022 Slupia Wielka (tel.: +48 61 285 2341 fax: +48 61 285 3558 e-mail: j.borys@coboru.pl)

Alicja RUTKOWSKA-ŁOŚ (Mrs.), Head, National Listing and Plant Breeders' Rights Protection Office, Research Centre for Cultivar Testing (COBORU), 63-022 Slupia Wielka (tel.: +48 61 285 2341 fax: +48 61 285 3558 e-mail: a.rutkowska@coboru.pl)

PORTUGAL

Carlos PEREIRA GODINHO, Head, Plant Breeders Rights Office, National Center for Registration of Protected Varieties, General Direction for the Protection of Crops (DGPC), Edificio I da DGPC, Tapada da Ajuda, 1349-018 Lisboa (tel.: +351 213 613 257 fax: +351 213 613 277 e-mail: cgodinho@dgpc.min-agricultura.pt)

RÉPUBLIQUE DE CORÉE / REPUBLIC OF KOREA / REPUBLIK KOREA / REPÚBLICA DE COREA

CHOI Keun-Jin, Examination Officer, National Seed Management Office (NSMO), Ministry of Agriculture and Forestry, 328, Jungangro Mananku, Anyangsi, Anyang City, Kyunggi-do 430-016 (tel.: +82 31 467 0190 fax: +82 31 467 0161 e-mail: kjchoi@seed.go.kr)

RÉPUBLIQUE DE REPUBLIC OF MOLDOVA / REPUBLIK MOLDAU /  
REPÚBLICA DE MOLDOVA

Vasile POJOGA, President, State Commission for Crops Variety Testing and Registration,  
Stefan cel Mare str. 162, 2004 Chisinau (tel.: +373 22 220300 fax: +373 22 211 537  
e-mail: brinzila@csip.moldova.md)

Ala GUȘAN (Mrs.), Head of Division, Inventions and Plant Varieties Department, State  
Agency on Intellectual Property (AGEPI), 24/1 Andrei Doga str., 2024 Chisinau  
(tel.: +373 22 400515 fax: +373 22 440119 e-mail: office@agepi.md)

RÉPUBLIQUE TCHÈQUE / CZECH REPUBLIC / TSCHECHISCHE REPUBLIK /  
REPÚBLICA CHECA

Ivan BRANZOVSKY, Head of Section, Plant Commodities Department, Ministry of  
Agriculture, Tesnov 17, 11705 Praha 1 (tel.: +420 2 2181 2693 fax: +420 2 2181 2951  
e-mail: ivan.branzovsky@mze.cz)

Daniel JUREČKA, Director, Plant Production Section, Central Institute for Supervising and  
Testing in Agriculture (ÚKZÚZ), Hroznová 2, 656 06 Brno (tel.: +420 543 548 210  
fax: +420 543 212 440 e-mail: daniel.jurecka@ukzuz.cz)

Jiří SOUČEK, Head, Department of Plant Variety Rights and DUS Tests, Central Institute for  
Supervising and Testing in Agriculture (ÚKZÚZ), Za opravnou 4, 150 06 Praha 5 - Motol  
(tel.: +420 257 211 755 fax: +420 257 211 752 e-mail: jiri.soucek@ukzuz.cz)

ROUMANIE / ROMANIA / RUMÄNIEN / RUMANIA

Adriana PARASCHIV (Mrs.), Head, Agriculture Examination Department, State Office  
for Inventions and Trademarks (OSIM), 5, Ion Ghica, Sector 3, P.O. Box 52,  
030044 Bucharest 3 (tel.: +40 21 315 9066 fax: +40 21 312 3819  
e-mail: adriana.paraschiv@osim.ro)

Constanta MORARU (Ms.), Head of Legal Affairs, International Cooperation Division,  
State Office for Inventions and Trademarks, 5, Ion Ghica Str., Sector 3, 70018 Bucharest  
(tel.: +40 21 315 9066 fax: +40 21 312 3819 e-mail: moraru.cornelia@osim.ro)

Oana PISLARU (Ms.), Legal Adviser, State Office for Inventions and Trademarks,  
5, Ion Ghica Str., Sector 3, 70018 Bucharest  
(tel.: +40 21 315 9066 fax: +40 21 312 3819 e-mail: oana.paslaru@osim.ro)

ROYAUME-UNI / UNITED KINGDOM / VEREINIGTES KÖNIGREICH / REINO  
UNIDO

Michael H. MILLER, Policy Administrator, Plant Variety Rights Office and Seeds Division,  
Department for Environment, Food and Rural Affairs (DEFRA), White House Lane,  
Huntingdon Road, Cambridge CB3 0LF (tel.: +44 1223 342 375 fax: +44 1223 342 386  
e-mail: michael.miller@defra.gsi.gov.uk)

SINGAPOUR / SINGAPORE / SINGAPUR

Dennis LOW, Senior Assistant Director/Legal Counsel, Legal Policy and International Affairs, Intellectual Property Office of Singapore (IPOS), #04-01 Plaza By The Park, 51 Bras Basah Road, Singapore 189554 (tel.: +65 6331 6580 fax: +65 6339 0252 e-mail: dennis\_low@ipos.gov.sg)

SLOVAQUIE / SLOVAKIA / SLOWAKEI / ESLOVAQUIA

Bronislava BÁTOROVÁ (Mrs.), National Coordinator, Senior Officer, Department of Variety Testing, Central Controlling and Testing Institute in Agriculture (ÚKSÚP), Akademická 4, 949 01 Nitra (tel.: +421 37 655 1080 fax: +421 37 652 3086)

SUÈDE / SWEDEN / SCHWEDEN / SUECIA

Karl Olov ÖSTER, President, National Plant Variety Board, Box 1247, 171 24 Solna (tel.: +46 8 783 1260 fax: +46 8 833 170 e-mail: karl.olv.oster@svn.se)

Christina TÖRNSTRAND (Ms.), Legal Advisor, Ministry of Agriculture and Consumer Affairs, Fredsgatan, 11, 103 33 Stockholm (tel.: +46 8 405 1107 fax: +46 8 206 496 e-mail: christina.tornstrand@agriculture.ministry.se)

SUISSE / SWITZERLAND / SCHWEIZ / SUIZA

Pierre Alex MIAUTON, Chef, Service Certification - Semences et Plants, Agroscope RAC Changins, Case postale 1012, 1260 Nyon 1 (tel.: +41 22 363 4668 fax: +41 22 363 4690 e-mail: pierre.miauton@rac.admin.ch)

Manuela BRAND (Frau), Leiterin Sortenschutz, Hauptabteilung Forschung und Beratung, Eidgenössisches Volkswirtschaftsdepartment, Bundesamt für Landwirtschaft, Mattenhofstrasse 5, 3003 Bern (tel.: +41 31 322 2524 fax: +41 31 322 2634 e-mail: manuela.brand@blw.admin.ch)

Eva TSCHARLAND (Frau), Juristin, Büro für Sortenschutz, Bundesamt für Landwirtschaft, Mattenhofstrasse 5, 3003 Bern (tel.: +41 31 322 2594 fax: +41 31 323 2634 e-mail: eva.tscharland@blw.admin.ch)

TUNISIE / TUNISIA / TUNESIEN / TÚNEZ

Mares HAMDY, Conseiller des services publics, Directeur général, Ministère de l'agriculture, et des ressources hydrauliques, 30, rue Alain Savary, 1002 Tunis (tel.: +216 71 842 317 e-mail: mares.hamdi@iresa.agrinet.tn)

Tarek CHIBOUB, Directeur de l'homologation et du contrôle de la qualité, Direction générale de la protection et du contrôle de la qualité des produits agricoles, Ministère de l'Agriculture et des ressources hydrauliques, 30, rue Alain Savary, 1002 Tunis (tel./fax: +216 71 800 419 e-mail: tarechib@yahoo.fr)

UKRAINE / UCRANIA

Svitlana TKACHYK (Mrs), Deputy Director, Ukrainian Institute for Plant Variety Examination, 15, Henerala Rodimtseva str., 03041 Kyiv (tel.: +380 44 258 3456 fax: +380 44 257 9963 e-mail: sops@sops.gov.ua)

Oksana V. ZHMURKO (Mrs.), Head, Department for International Scientific and Technical Cooperation, Ukrainian Institute for Plant Variety Examination, 15, Henerala Rodimtseva str., 03041 Kyiv (tel.: +380 44 258 3456 fax: +380 44 257 9963 e-mail: sops@sops.gov.ua)

URUGUAY

Enzo BENECH, Presidente, Instituto Nacional de Semillas (INASE), Cno. Bertolleti s/n y R-8 Km 29, 91001 Pando (tel.: +598 2 288 7099 fax: +598 2 288 7077 e-mail: inasebenech@adinet.com.uy)

II. OBSERVATEURS / OBSERVERS / BEOBACHTER / OBSERVADORES

ALGÉRIE / ALGERIA / ALGERIEN / ARGELIA

Ali MATALLAH, Directeur central, Affaires juridiques et de la réglementation, Ministère de l'agriculture et du développement rural (MADR), B.P. 43, Hacen Badi, El-Harrach, 8791 Alger (tel.: +213 21 74 64 06 fax: +213 21 42 93 51 e-mail: alidajr2002@yahoo.fr)

ÉGYPTE / EGYPT / ÄGYPTEN / EGIPTO

Mohamed A.M. MORSY, General Director, Seed Measures and Development, Central Administration for Seed Testing and Certification (CASC), Ministry of Agriculture and Land Reclamation, 8 Gamma Street, P.O. Box 147, 12211 Cairo (tel.: +20 2 5720 839 fax: +20 2 572 998)

Mostafa A. MOHAMED, Engineer of Agriculture, Central Administration for Seed Certification (CASC), Ministry of Agriculture and Land Reclamation, 8 Gamma Street, P.O. Box 147, 12211 Cairo (tel.: +20 2 5720 839 fax: +20 2 572 5998)

MAURICE / MAURITIUS / MAURICIO

Hemraz JALIM, Technical Officer, Plant Pathology Division, Ministry of Agriculture, Food Technology and Natural Resources, Reduit (tel.: +230 466 8960 fax: +230 465 9591 e-mail: moa-palthology@mail.gov.mu)

TURQUIE / TURKEY / TÜRKEI / TURQUÍA

Kamil YILMAZ, Director, Variety Registration and Seed Certification Centre, Ministry of Agriculture and Rural Affairs, P.O. Box 107, 06172 Yenimahalle - Ankara  
(tel.: +90 312 315 8874 fax: +90 312 315 0901 e-mail: kamil\_yilmaz@ankara.tagem.gov.tr)

Hulusi ÜTEBAY, Assistant to the General Director, General Directorate of Control and Protection, Ministry of Agriculture and Rural Affairs, Akay Cad. No. 3, Bakanliklar, Ankara  
(tel.: +90 312 418 1468 e-mail: hulusiu@kkgm.gov.tr)

III. ORGANISATIONS / ORGANIZATIONS /  
ORGANISATIONEN / ORGANIZACIONES

COMMUNAUTÉ INTERNATIONALE DES OBTENTEURS DE PLANTES  
ORNAMENTALES ET FRUITIÈRES DE REPRODUCTION ASEXUÉE (CIOPORA) /  
INTERNATIONAL COMMUNITY OF BREEDERS OF ASEXUALLY REPRODUCED  
ORNAMENTAL AND FRUIT-TREE VARIETIES (CIOPORA) /  
INTERNATIONALE GEMEINSCHAFT DER ZÜCHTER VEGETATIV  
VERMEHRBARER ZIER- UND OBSTPFLANZEN (CIOPORA) /  
COMUNIDAD INTERNACIONAL DE OBTENTORES DE VARIEDADES  
ORNAMENTALES Y FRUTALES DE REPRODUCCIÓN ASEXUADA (CIOPORA)

Edgar KRIEGER, Executive Secretary, International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA), (Administrative Office), Rothenbaumchaussee 78, 20148 Hamburg, Germany (tel.: +49 40 555 63 702 fax: +49 40 555 63 703 e-mail: info@ciopora.org)

Alain MEILLAND, Vice President of CIOPORA, President of AOHE, Meilland International, 59, chemin des Nielles, 06600 Antibes, France (tel.: +33 49 450 0325 fax: +33 49 479829 e-mail: meilland.a@wanadoo.fr)

FÉDÉRATION INTERNATIONALE DES SEMENCES (ISF) /  
INTERNATIONAL SEED FEDERATION (ISF) /  
INTERNATIONALER SAATGUTVERBAND (ISF) / FEDERACIÓN  
INTERNACIONAL DE SEMILLAS (ISF)

Bernard LE BUANEC, Secretary General, International Seed Federation (ISF), 7, chemin du Reposoir, 1260 Nyon, Switzerland (tel.: +41 22 365 4420 fax: +41 22 365 4421 e-mail: isf@worldseed.org)

Judith BLOKLAND (Mrs.), Regulatory and Legal Affairs, Plantum, P.O. Box 462, 2800 AL Gouda, Netherlands (tel.: +31 182 688 668 fax: +31 182 688 667 e-mail: j.blokland@plantum.nl)

Marcel BRUINS, Manager Plant Variety Protection, Intellectual Resource Protection and Regulatory Affairs, SVS Holland B.V., P.O. Box 97, 6700 AB Wageningen, Netherlands  
(tel.: +31 317 468 428 fax: +31 317 468 431  
e-mail: marcel.bruins@seminis.com)

Richard CROWDER, President/CEO, American Seed Trade Association (ASTA),  
225 Reinekers Lane, Suite 650, Alexandria, VA 22314, United States of America  
(tel.: +1 703 837 8140 fax: +1 703 837 9365 e-mail: rcrowder@amseed.org)

Jean DONNENWIRTH, International Intellectual Property Manager,  
Pioneer Hi Bred S.A.R.L., Chemin de l'Enseigne, 31840 Aussonne, France  
(tel.: +33 5 6106 2084 fax: +33 5 6106 2091 e-mail: jean.donnenwirth@pioneer.com)

Huib GHIJSEN, IP Manager Germplasm Protection and Security, Bayer BioScience N.V.,  
Technologiepark 38, 9052 Gent, Belgium (tel.: +32 9 2430486 fax: +32 9 224 1923  
e-mail: huib.ghijssen@bayercropscience.com)

Juan Carlos MARTÍNEZ GARCÍA, Disagri Semillas, S.L., Intellectual Property Manager,  
PS. Pamplona 2, Esc. 1, 4-A, 50004 Zaragoza, Spain (tel.: +34 976 212 197 fax: +34 976 226  
410 e-mail: jcm@disasem.com)

Mario SCHINDLER, Executive Manager, National Association of Seed Producers  
(ANPROS), Nueva los Leones 07, Providencia 1301, Santiago, Chile (tel.: +56 2 3353686  
fax: +56 2 3353685 e-mail: mschindler@anpros.cl)

#### IV. BUREAU / OFFICERS / VORSITZ / OFICINA

Krieno FIKKERT, Chair  
Carmen Amelia M. GIANNI (Mrs.), Vice-Chair

#### V. BUREAU DE L'UPOV / OFFICE OF UPOV / BÜRO DER UPOV / OFICINA DE LA UPOV

Rolf JÖRDENS, Vice Secretary-General  
Peter BUTTON, Technical Director  
Makoto TABATA, Senior Counsellor  
Raimundo LAVIGNOLLE, Senior Counsellor  
Yolanda HUERTA (Mrs.), Senior Legal Officer

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

ANNEX II

STATEMENT BY THE EUROPEAN COMMUNITY

Mr. Chairman,  
Ladies and Gentlemen,

On behalf of the European Community, I would like to thank you for your kind words regarding the new status of the European Community – which has become the first intergovernmental organisation to join the International Union for the Protection of New Varieties of Plants.

On the occasion of the participation for the first time of the European Community in the UPOV Council meeting of October 27, 2005, as a full member of UPOV, the Presidency of the Council, currently the United Kingdom until the end of this year, will express its thanks and appreciation on behalf of the European Community for the welcome to UPOV which we have been given.

The instrument of accession of the European Community was deposited with the Secretary-General on June 29, 2005, of this year and, exactly one month later, on July 29, 2005, the European Community became the fifty-ninth member of UPOV – following a long period with “observer” status.

In fact, the exercise to join UPOV started a long time ago – over eight years ago – when the European Community asked the UPOV Council on April 1, 1997, for advice in respect of the conformity of its laws with the provisions of the Convention.

On April 29, 1997, the UPOV Council adopted a decision embodying a positive opinion on EC Council Regulation (EC) N° 2100/94 and its implementing acts.

This set the wheels in motion towards where we stand today.

The European Community looks forward to a long and productive relationship with UPOV, and hopes that its accession will lead to a strengthening of the system of plant variety protection and to a broadening of international cooperation in this area.

Thank you for the opportunity you have given to the European Community to express its thanks and appreciation.

[Annex III follows]



ANNEX III

STATEMENT BY THE REPUBLIC OF ALBANIA

Mr. Chairman,  
Ladies and Gentlemen,

On behalf of the Government of the Republic of Albania, I have the pleasure to express our greetings and appreciation for the invitation to participate in this important event and the warm welcome extended by UPOV as a new member of this international organization.

One of the priorities of the new Albanian Government in the agriculture and food sectors is the increase of agricultural production. In order to fulfill this objective, the development of the seed sector and improvement of plant varieties play an important role.

In such context, the Law for the "Plant Breeder's Rights" was adopted in Albania in 2002. This Law was submitted to the Council of UPOV at the beginning of 2004 for advice on its conformity with the 1991 Act of the UPOV Convention. The Council, during the extraordinary session of April 2, 2004, decided that the Albanian Law conformed with the Convention and decided that the Albanian Government could deposit its instrument of accession. The Council also recommended some amendments. In the meantime, we have prepared implementing regulations. Our Ministry of Foreign Affairs deposited the instrument of accession on September 15, 2005, with the UPOV Office.

In accordance with the Council recommendation, draft amendments to the Law have been prepared. I would like to thank Mr. Barry Greengrass and Mr. Arnold van Wijk for the assistance given to our experts for legislative matters and implementation of the PBR system.

Finally, I would also like to thank the Secretary-General and the staff of the UPOV Office for the assistance in the accession procedure and the experts from those members of the Union who have shared their information and experience with us, and to assure the full commitment and cooperation of Albania in the future.

Thank you.

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