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UPOV

CAJ/XXI/4
ORIGINAL: English
DATE: April 25, 1988

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

ADMINISTRATIVE AND LEGAL COMMITTEE

Twenty-first Session
Geneva, October 8 and 9, 1987

REPORT

adopted by the Committee

OPENING OF THE SESSION

1. The Administrative and Legal Committee (hereinafter referred to as "the Committee") held its twenty-first session on October 8 and 9, 1987. The first half-day of the session was devoted to a joint meeting with the Technical Committee. The list of participants is given in the Annex to this report.

2. The session was opened by Mr. F. Espenhain (Denmark), Chairman of the Committee, who welcomed the participants.

JOINT MEETING WITH THE TECHNICAL COMMITTEE

Definition and Examination of Hybrid Varieties

3. Discussions were based on document CAJ/XX/7 and paragraphs 55 to 59 of Annex I to document TC/XXIII/3.

4. Mr. J. Guiard (France) introduced document CAJ/XX/7 and stated that the application of the principle proposed in the motion by the ASSINSEL Maize Section (see document CAJ/XIX/5)--that "hybrids of maize should be defined and distinguished by their constituents and the way they [were] associated"--had presented some problems in the case of very similar hybrids. Moreover, the procedure for the testing of hybrid maize varieties had to be reconsidered in view of the great number of applications (some 250 to 280 a year, of which some 60% to 70% were withdrawn after the first year of testing). The new procedure that was in experimental use was based on the ASSINSEL motion, with the following adjustments:

(i) The characteristics observed at parent level were classified into groups according to knowledge on their genetic background, polygenic characteristics being in general given more weight than the ones with a simpler inheritance;

(ii) Large minimum differences were required: for example four notes in a 1-9 scale of the UPOV Test Guidelines, for a visually observed quantitative characteristic, or a significant difference at the 0.01 threshold in a test comprising more than 30 inbred lines, for a measured characteristic.

5. Under the above procedure, if for example line B was distinct from line C, hybrid A x B would be different from hybrid A x C. That did not exclude the description of the hybrid material. If line B and line C were not found to be distinct, the authorities would examine the inbred lines further, both in respect of the characteristics mentioned in the Test Guidelines and by using methods such as electrophoresis, heterosis tests and test crosses in order to learn more about the genetic distance between those lines, and also, if necessary, make comparisons at the level of the hybrid material.

6. A systematic examination of the new inbred lines under the proposed new procedure had been made in 1987; results at the level of hybrids were not yet available, therefore. Nevertheless, the procedure had the advantage of concentrating efforts on the inbred lines rather than on hybrid material, in other words on a more limited number of varieties that in addition were homogeneous and allowed use of simpler testing and statistical methods, rather than on a large number of varieties that were heterogeneous in the case of three-way and double-cross hybrids, and many of which would be withdrawn from the tests at the end of the first year.

7. Concerning the application of this procedure to species other than maize, Mr. Guiard pointed our that it required a good knowledge of the genetics of the species concerned. It was not envisaged for the time being to extend the procedure to species such as sunflower or sorghum.

8. Dr. J.-M. Elena (Spain) said that the Spanish authorities were favorably disposed towards that approach and would be prepared to introduce it for the purposes of national listing for maize, sorghum and sunflower.

9. Dr. G. Fuchs (Federal Republic of Germany) said that he sympathized with the wish of the French authorities to simplify work and make it more effective. However, he had reservations about the proposed procedure since a first application of it, on the basis of data collected according to the traditional procedure, had shown that there was no simple relation between distinctness at the level of the parental lines and distinctness at the level of the hybrids. One of the reasons for that might be the fact that for inbred lines the breeding objective was a good combination ability for agronomic features, and that there were presumably also differences in combination ability for morphological characteristics. Differences in climatic conditions might be another explanation. In conclusion, Dr. Fuchs felt that the proposed procedure needed further experimentation and discussion before a conclusion could be reached as to its feasibility.

10. Mr. J.K. Doodson (United Kingdom, Chairman of the Technical Committee) said that the Technical Committee could not agree with the ASSINSEL motion. However, it recognized the practical problems that arose in the examination of hybrid varieties and welcomed the work being undertaken in France. The general conclusion of the previous discussions of the Technical Committee was that further discussions should take place in the Technical Working Party for Agricultural Crops once sufficient experience had been gained on the proposed procedure.

11. Concerning the compatibility of the proposed procedure with the provisions of the Convention, Dr. G. Fuchs (Federal Republic of Germany) recalled that the variety that was the subject of an application for protection had to be distinct according to Article 6(1)(a) of the Convention and had to be examined according to Article 7(1). Consequently, there would not be any problem if the procedure were used to screen candidate varieties or if it led to an undisputable conclusion as to their distinctness. There would be an arguable need to amend the Convention, however, if the second condition were not satisfied, in other words if "identical hybrids" were to be protected on the grounds of their being derived from different inbred lines.

12. In conclusion, it was noted that the follow-up would consist in:

(i) hearing the opinions of the interested circles at the third Meeting with International Organizations, on October 12 and 13, 1987;

(ii) the Technical Working Party for Agricultural Crops and the Technical Committee examining further, on the basis of more detailed data, the technical aspects of the proposed procedure;

(iii) the Administrative and Legal Committee examining thereafter, if necessary, the legal implications of the proposed procedure.

Minimum Distances Between Varieties

Introduction

13. Discussions were based on documents CAJ/XVIII/3, CAJ/XIX/2 and CAJ/XXI/3, and on paragraphs 60 and 61 of Annex I to document TC/XXIII/3.

General Discussion

14. Mr. F.W. Whitmore (New Zealand) said that it was believed in his country that the present UPOV criterion for distinctness, based on the statistical significance of the difference, could lead to the acceptance of differences that were sometimes very small. He suggested that consideration be given to fixing a more meaningful minimum difference, for example as a certain proportion of the total range of variation of the characteristic concerned.

15. Mrs. V. Silvey (United Kingdom, Chairman of the Technical Working Party on Automation and Computer Programs) agreed on the principle of the proposal. Indeed, under the present rules, very small differences could reach the required level of significance if there was almost zero variation within the varieties. She suggested therefore that the problem be referred to the Technical Working Party on Automation and Computer Programs.

16. Mr. J. Guiard (France) said that in the proposed procedure for the examination of hybrid varieties of maize, it was envisaged that differences that were significant at the 0.05 threshold instead of the requisite 0.01 would be accepted, but with the characteristic concerned being brought into the lower group. Such a difference would then also contribute to the decision on distinctness. Mr. Guiard felt that that approach, which was also envisaged for fodder plants in the United Kingdom, was interesting and deserved further exploration.

17. Mrs. V. Silvey (United Kingdom, Chairman of the Technical Working Party on Automation and Computer Programs) considered the approach to be sensible and also in accord with a view expressed by the experts from the Netherlands in document CAJ/XXI/3. Indeed the approach was being examined in the United Kingdom in respect of grasses, for it offered a solution to what appeared to be a genuine practical problem: that of two varieties that could be seen by eye to be different but for which none of the recorded individual differences met the required level of significance. Mrs. Silvey thought that the Technical Working Party on Automation and Computer Programs could be of assistance in that respect by examining the possible methods of multivariate statistical analysis.

18. Mr. H. Kunhardt (Federal Republic of Germany) recalled that the question of minimum distances between varieties was also related to the scope of protection, and therefore to the value and effectiveness of the title of protection. Statistics produced essential elements in support of a decision, but those elements had to be the subject of a further decision as to their relevance in the light of the purpose of the Convention. In that respect, breeders' organizations increasingly claimed that the statistically significant differences offered too small a scope of protection, in particular where they concerned a characteristic of little practical relevance. There then arose the question whether one should not establish the minimum distances in a differentiated manner, according to the type of characteristic.

19. That in turn led to the question of the definition of the "important characteristic." In that connection, Mr. Kunhardt said that the first sentence of Article 6(1)(a) of the Convention gave rise to different interpretations and practices: according to the first, a set of differences, none of which would be clear in terms of the Convention, would be sufficient to establish distinctness if the combination of the differences were clear; according to the second, there would have to be at least one clear difference. The first would allow very small distances between varieties, and, if consideration were to be given to increasing the distances, it would be useful to consider changing the interpretation of the Convention to the second.

20. Mr. J. Guiard (France) considered that significant differences at the 0.01 threshold relating to quantitative characteristics were often more relevant, in the context of the variety notion, than differences relating to qualitative characteristics. Indeed, taking into account the simple genetic basis of some qualitative characteristics, a breeder could quite easily "convert" a variety in respect of one such characteristic, which made protection rather meaningless for the original breeder.

21. Dr. G. Fuchs (Federal Republic of Germany) wished to return to the classification of characteristics appearing at the foot of page 2 and the top of page 3 of document CAJ/XXI/3. He recalled that for a characteristic to be used to establish the distinctness of a variety, the variety had also to be homogeneous (or to show a controlled heterogeneity linked to its genetic background) and stable in respect of that characteristic. For a characteristic to be used for identification purposes, however, the variety had also to fulfill the above conditions.

22. Mr. H. Kunhardt (Federal Republic of Germany) added that the efficacy of protection depended on the precision of the description. That implied that the variety concerned had to be homogeneous and stable, as mentioned by Dr. Fuchs, in all characteristics that were considered for distinctness purposes and appeared in the description, and in those only. The use of other characteristics (and particular methods) for the purpose of identification (in other words

for ascertaining whether a sample belonged to a given variety) or of verification of stability could only lead to an indirect, inconclusive finding. In particular, decisions affecting the plant breeder's right, for example the decision to declare the right forfeit, would have to be based solely on the characteristics that formed part of the description of the variety.

23. Mrs. V. Silvey (United Kingdom, Chairman of the Technical Working Party on Automation and Computer Programs) stated that new technology had brought about valuable methods and required new thought to be given to established principles. Mr. H. Kunhardt (Federal Republic of Germany) considered however that such thought should not lead to a grouping of characteristics, which in any event would be difficult to define.

Questions Set Out in Document CAJ/XXI/2

24. Introduction.- The questions were as follows:

Question 1: In the light of the issues relating to the definition of maize hybrids (see document CAJ/XIX/5), would it be possible in testing work to differentiate between characteristics used for the distinguishing of varieties and characteristics used for identification of seed and plant material?

Question 2: What would be the consequences of dividing the characteristics into those two groups?

Question 3: Are the distances between protected varieties (and hence the areas of protection given by plant variety rights) becoming too small, and if so, what changes could be made to the Convention to provide for greater distances and larger areas of protection?

Question 4: Possible use of new methods, e.g. electrophoresis, for determining the distinctness of new varieties, taking into account [questions 1, 2 and 3] above.

Five delegations had also been asked to reply to these questions in the light of specific Test Guidelines. Reports were made by the Delegations of Denmark, France, the Federal Republic of Germany, the Netherlands, New Zealand, the United Kingdom and the United States of America. They are set out in the following paragraphs.

25. Denmark.- Question 1 could not be considered in relation to the Test Guidelines for Sour Cherry because of the limited number of applications, but only in relation to the Test Guidelines for Christmas Cactus. The latter were relatively new and did not contain unnecessary characteristics. It was therefore not possible to distinguish two groups of characteristics. Concerning question 3, it was noted that breeders' organizations tended to request larger minimum distances for ornamental species. Their wish could be met by removing some characteristics from the list of those that were used for establishing distinctness. Finally, in relation to question 4, it was not considered possible in Denmark to use new methods of distinctness testing for the moment.

26. France.- Question 1 had been considered on several occasions in the past. It amounted to distinguishing from all other characteristics those that were important for distinctness purposes; it called for a classification methodology that met one or more predetermined objectives. It was possible to reply affirmatively to the question, in particular since various UPOV bodies had:

(i) implicitly or explicitly rejected characteristics used in one country but ignored in another (characteristics that were "secondary" or too prone to fluctuation under certain growing conditions, etc.);

(ii) declared that they did not want to use, for certain species, the biochemical characteristics that were in current use in some other respects (for example the electrophoregrams of the gladins in cereals);

(iii) taken note of the fact that the phenotypic expression of genetic differences remained unknown.

However, such a classification was somewhat arbitrary (even if based on expert opinions) and open to criticism. A hierarchical classification seemed more rational given the present state of the art.

27. Such a classification would result in stronger protection of the breeder's right in the case of species for which there were many morphological and physiological characteristics that could be used (question 2). On the other hand, for species with few such characteristics, it could make distinctness more critical and more difficult to establish.

28. Users would generally consider the distances between varieties to be too small when they owned a dominant variety, and would deplore the use of too large distances when they were striving for a variety that would enable them to catch up with their competitors (question 3). In practice, it might be that too small distances had been retained for some species and varieties. But it would not be necessary to amend the Convention as a corrective measure: it was for the testing and decision-making authorities to ensure the use of sufficient distances, determined on the basis of expert opinions and with due account being taken of the state of the art.

29. The classification would be more credible if it met a number of clearly defined criteria and objectives that would reinforce the definition of "important characteristic" and make so-called scientific plagiarism more difficult. The following deserved consideration in that connection:

(i) The fact of declaring important a characteristic with a simple inheritance, that was easily transferable from one variety to another, contributed to encouraging plagiarism;

(ii) Insufficient distance between two states of expression of a characteristic that was considered important had the same effect;

(iii) Systematic use of a minimum difference by a fixed number of states of expression to distinguish two varieties, whatever the characteristic and the states observed, gave rise, or was likely to give rise, to scientific plagiarism.

The classification should probably be based on the inheritance of the characteristics, the magnitude of their fluctuation and their reliability (see document CAJ/XX/7).

30. Finally, the use of new methods was considered very desirable whenever it led to work simplification or to better control of the assessment of the differences between varieties (question 4). It was necessary for species with few useful characteristics. In the case of species with many characteristics, it would have a complementary purpose, confirming a more or less aleatory

37. United Kingdom.- The United Kingdom authorities would prefer to have no distinction made between characteristics as indicated in question 1. As far as the Test Guidelines for Chrysanthemum were concerned, they could find five characteristics that would be used primarily for identification purposes, but the proposed revision was expected to result in their deletion, together with a dozen other characteristics. In reply to question 3, they also felt that the distances between varieties were becoming too small in the case of ornamental plants.

38. The authorities of the United Kingdom advocated an amendment of the General Introduction to the Test Guidelines to state the conditions that a characteristic would have to meet in order to be considered important within the meaning of Article 6(1)(a) of the Convention. Those conditions could be the following in the case of ornamental plants:

(i) A difference in the expression of the characteristic must be sufficient, in other words the presence of other differences must not be required to justify recognition of the existence of a new variety;

(ii) The characteristic must be capable of precise recognition and description;

(iii) The characteristic must be reliable;

(iv) Varieties must be expected to be homogeneous with respect to the characteristic;

(v) Harmonized and standardized methods must exist for its observation;

(vi) The cost of the observations must not be unreasonable;

(vii) The observations must be able to be completed without prolonging the tests unduly;

The following three conditions might also be included:

(a) Different states of expression of the characteristic must be recognizable in the normal course of multiplication, cultivation or use of the varieties;

(b) The characteristic must be needed for distinguishing varieties;

(c) Where the decision on distinctness is to be based on an additional characteristic, the latter must satisfy the same criteria as ordinary characteristics.

39. Concerning new methods (question 4), it was acknowledged that there was some commercial interest in DNA fingerprinting for chrysanthemums for identification purposes. The authorities felt that it was not possible to go further than that for the time being.

40. United States of America.- It was felt that question 1 was of little relevance in the case of the United States of America, which had the policy of accepting any kind of characteristic, provided it was scientifically reasonable. That meant that there was no obstacle to the use of new methods other than the condition mentioned (question 4). As far as the measure of the

difference recorded on "ordinary" characteristics. It might also replace, at some time in the future, the observation of characteristics whose expression was limited in time and variable, such as anthocyanin coloration.

31. Federal Republic of Germany.- On the basis of the Test Guidelines for Rye and Pelargonium, it was found that distinction between characteristics according to question 1 and on the basis of their functional relevance would be quite arbitrary. Another possibility would be to increase the minimum distance required for each characteristic. Concerning question 2, it was clear that a reduction in the number of characteristics would reduce the possibilities for distinguishing varieties and thereby widen the perimeter of protection. But then there should also be a homogeneity and stability requirement for the so-called identification characteristics if they were to fulfill their purpose. A widening of the protection perimeter could also be achieved by requiring different minimum distances according to the purpose of the characteristic. Both avenues would increase the burden on the breeder in that the requirements for homogeneity and stability would be more stringent. In the second case, the testing procedure would also be more complex.

32. Amendment of the Convention (question 3) would not be necessary. More generally, the attempt to move the distinctness criterion towards the inventive step concept applied in patent law, by placing the emphasis on the functional characteristics and perhaps also by increasing the minimum distances, was not considered to be the correct solution. Plant breeding had to live with relatively small distances, because progress in that area was in general achieved in a succession of small steps. However, one amendment that might be envisaged, for the purpose of clarification, was the requirement of a clear difference in respect of at least one characteristic.

33. Concerning the new methods (question 4), it was noted that their use for identification purposes implied that, from a technical point of view, they could also serve to establish distinctness, in other words to identify the presence or absence or amount of a given protein. However, such use required the methods also to become a routine tool among breeders. More generally, the methods concerned afforded insight into the genetic make-up of the varieties, irrespective of whether and how the corresponding characteristic was expressed under particular climatic conditions. One could imagine distinctness established in the future on the basis of the genetic make-up rather than the state of expression of mainly morphological characteristics.

34. Netherlands.- Concerning questions 1 to 3, reference was made to document CAJ/XXI/3. As for question 4, the authorities of the Netherlands were prepared to use electrophoresis for identification purposes, but not to go further for the time being.

35. An application of the principles set out in document CAJ/XXI/3 to the Test Guidelines for Perennial Ryegrass, Lettuce and Alstroemeria had given the following results: in the case of Perennial Ryegrass, 9 characteristics would be of the determinant type and 4 of the semi-determinant type; in the case of Lettuce, the figures would be 32 and 7 respectively, and in the case of Alstroemeria 24 and 3 respectively.

36. New Zealand.- Experience had shown in New Zealand that there was not much to be gained by differentiating characteristics as indicated in question 1. There was no need to amend the Convention to solve a possible problem of too small minimum distances (question 3): the text of the Convention was a flexible one that gave the competent authorities the possibility of solving any such problem in a practical way. Finally, new methods (question 4) had to be assessed according to their merits.

distance between varieties was concerned, it was felt that there was a need to agree that it should be great enough to be meaningful and prevent plagiarism. Such agreement did not require any amendment of the Convention.

41. Discussion.- The Chairman noted that the question of minimum distances between varieties had to be dealt with species by species, and that some new ideas had been put forward in the above reports. He therefore suggested that the Technical Working Parties should be informed of the discussions, it being understood that the Technical Working Party on Automation and Computer Programs would examine in greater detail some of the questions falling into its field of competence.

42. Mr. J. Guiard (France) felt that the report presented on behalf of the United States of America was important as it showed that it was difficult to make a distinction between characteristics used for distinctness purposes and characteristics used for identification purposes, and that it was difficult to understand the rationale of such a distinction. On the other hand, minimum distances were defined characteristic by characteristic in the United States of America; the General Introduction to the Test Guidelines also provided general rules that had the same effect. Mr. Guiard said that it would be very difficult for a technical expert to decide in the abstract on individual minimum distances for each characteristic; he felt that the notion of minimum distances had to be defined globally, at the level of the variety.

43. Mr. M. Heuver (Netherlands) proposed that the professional organizations should be given the possibility of discussing the question of minimum distances in a practical context with experts from the testing authorities. In that connection, he proposed that workshops relating to four or five species be organized on the premises of the testing authorities.

44. The Committee agreed to the proposal.

45. Mr. H. Kunhardt (Federal Republic of Germany) said that the meeting should attempt to clarify the areas of emphasis for the work of the Technical Working Parties and the discussions with professional organizations. In his view, those areas of emphasis should be the following:

(i) It should be made clear that the idea of distinguishing characteristics used for distinctness purposes and characteristics used for identification purposes should not be pursued: the statutory decision that was called for under the Convention was whether the variety was distinct on the basis of the relevant characteristics;

(ii) Where distances between varieties were too small, an examination should be made of the possibilities for enlarging the distances and of the consequences that this would have;

(iii) More generally, a study should be made of the system used for defining the minimum distances; the question was whether the present system, based on statistical significance, should be retained, whether there should be a lower limit for difference, whether that limit should be fixed individually for each characteristic and how it should be set;

(iv) More generally also, a study should be made to ascertain whether there was a system capable of securing the rights of the breeders by means of appropriate minimum distances and at the same time ensuring that breeding progress was not hampered.

MEETING WITHOUT THE MEMBERS OF THE TECHNICAL COMMITTEE

Adoption of the Report on the Twentieth Session of the Committee

46. The Committee adopted the report on the twentieth session as appearing in document CAJ/XX/9.

New Developments in the Field of Plant Variety Protection

47. More detailed reports were given at the twenty-first ordinary session of the Council on October 15 and 16, 1987. Reference is made in this connection to paragraphs 7 et seq. of document C/XXI/13 Prov. The information given at the session of the Committee but not at the session of the Council is recorded below.

48. The representative of the Federal Republic of Germany said that large-scale breeding activities were taking place in his country on plants for the production of raw materials for industry and for medical purposes. Consideration was being given to the question whether the structure of the list of protected taxa should be amended to include larger taxa such as families.

49. The representative of France said the possibility of having a new form of examination system which would reduce costs and might involve the breeder in the examination of his variety was under discussion.

50. The representative of the Netherlands said that discussions were taking place on the possibility of modifying the examination system in order to adapt it to the large number of applications. For Mahonia and Dianthus barbatus the breeder would be doing his own testing under the supervision of the Board for Plant Breeders' Rights.

51. The representative of the United Kingdom said that certain sections of the plant breeding industry in the United Kingdom were interested in having protection for F_2 hybrids of cereals.

52. A report was given by the Office of the Union on the third session of the WIPO Committee of Experts on Biotechnological Inventions and Industrial Property which was held in Geneva from June 29 to July 3, 1987. The full report of that meeting is to be found in WIPO document BioT/CE/III/3.

Third Meeting with International Organizations

General

53. The discussions concerned documents IOM/III/1 to 5, and the form that the third Meeting with International Organizations should take.

54. With regard to document IOM/III/2, the Committee confirmed that it was a discussion paper rather than a policy paper. The representative of Hungary congratulated the authors of document IOM/III/2. She said that it was important for the future of UPOV to extend protection to living matter in general, and that the document represented a breakthrough in UPOV's thinking.

55. Mr. S.D. Schlosser (United States of America), as the appointed Chairman of the third Meeting with International Organizations, outlined his intentions as to the way in which he would conduct the meeting. The Committee agreed to those intentions.

Revision of the Convention

56. The Committee agreed that a commitment to effect a revision of the Convention could be made to the organizations. A discussion then arose as to the organization of the work.

57. The Committee agreed that it should be proposed to the Council that the main work be done by the Committee itself, which, in view of the amount of work involved, should have longer sessions than usual. Furthermore, the Committee should if necessary be able to create subgroups to prepare work on specific questions. [The Council agreed to these proposals at its twenty-first ordinary session.]

58. The representative of Hungary expressed the view that the Biotechnology Subgroup should not yet be dissolved since it might be needed to do further work in connection with revision of the Convention. The Committee shared this view.

Closer Administrative Cooperation

59. Following a proposal from the Vice Secretary-General, the Committee discussed whether "Closer Administrative Cooperation" should be on the agenda of its twenty-second session.

60. The representative of the Federal Republic of Germany said that the proposal to have closer administrative cooperation corresponded well to what was wanted by the breeders' organizations. The discussion of the subject could, he said, be included in the work to be done on the revision of the Convention. He saw difficulties in having a plant breeder's right that was valid in all member States, and was of the view that it might be preferable to have a legal instrument whereby a State could notify the Office of the Union that it would extend to its territory the protection granted in another member State.

61. The representative of the United Kingdom suggested that the Committee might consider the Commission's plans for a plant variety protection scheme in the European Economic Community. The representative of the European Economic Community agreed with this suggestion and said that a text describing those plans would become available within the next few months.

62. The representative of Hungary suggested that a careful study should be made of the Patent Cooperation Treaty and the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, for the guidance they could give on closer cooperation.

List of Priorities in Relation to Extension of Protection

63. The Chairman recalled that the Committee had decided at its nineteenth session to ask the Technical Committee (and also the Technical Working Parties) to advise on priorities for the extension of protection. He reported that the

Technical Committee had considered the question at its twenty-third session, held from October 6 to 8, 1987, and had concluded that it was not competent to advise. [At its twenty-first ordinary session, held on October 15 and 16, 1987, the Council decided that the Committee should do further work on this question on the basis of document C/XXI/8 (statistics on the number of protected varieties) and, if necessary, should consider establishing a subgroup comprising one delegate per member State in order to further progress in the matter.]

States Invited to UPOV Meetings

64. This matter, which was brought up by the Vice Secretary-General, was subsequently referred to the Consultative Committee and the Council. For the final decision, see paragraph 109(vi) of document C/XXI/13 Prov.

Program for the Twenty-Second Session of the Committee

65. The Committee agreed that, subject to any new matters that might arise, the twenty-second session should be devoted mainly to the revision of the Convention (including closer cooperation).

66. This report was unanimously adopted by the Committee at its twenty-second session, on April 18, 1988.

[Annex follows]

CAJ/XXI/4

ANNEX/ANNEXE/ANLAGE

LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS/TEILNEHMERLISTE

I. MEMBER STATES/ETATS MEMBRES/VERBANDSSTAATEN

BELGIUM/BELGIQUE/BELGIEN

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* Dr. J. HABBEN, Regierungsdirektor, Bundessortenamt, Postfach 61 04 40, 3000 Hannover 61

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* Took part in the joint meeting with the Technical Committee only.
N'a pris part qu'à la réunion commune avec le Comité technique.
Nahm nur an der gemeinsamen Sitzung mit dem Technischen Ausschuss teil.

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