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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

SECOND MEETING
WITH INTERNATIONAL ORGANIZATIONS

Geneva, October 15 and 16, 1985

INTERNATIONAL COOPERATION

Memorandum prepared by the Office of the UnionIntroduction

1. The subject "International Cooperation" was included in the agenda for the first Meeting with International Organizations, which took place in 1983 (IOM/I/1, item 3). At that meeting, the subject was thoroughly discussed (see paragraphs 77 to 112 of the Record of that meeting (document IOM/I/12)). The basis for the discussions at that 1983 meeting was document IOM/I/4.

2. The subject was included in the agenda for the second Meeting with International Organizations since it can be expected that further developments in international cooperation make it desirable to renew the discussion with the international organizations on that subject. As far as new developments are concerned, the activities of UPOV itself and those of other organizations are considered separately.

Activities of UPOV

3. As far as the activities of UPOV are concerned, the following may be said:

4. The List of the Taxa Protected in the Member States of UPOV and in the Signatory States of the 1978 Act of the Convention, as submitted to the eighteenth ordinary session of the Council of UPOV, held in October 1984, is reproduced in section 8 of the UPOV Collection of Important Texts and Documents (subsequently referred to as "the Collection"). More recent developments are published in "Plant Variety Protection". Reference is made to pages 10 and 15 of No. 41 and page 2 of No. 43 of that publication.

5. As far as fees are concerned, the Recommendation on Fees in Relation to Cooperation in Examination (section 21 of the Collection) has not been changed. The amounts of the fees charged at present by the national authorities can be found, for a number of States, in recent issues of "Plant Variety Protection". As to the most recent developments, reference is made to pages 2 to 8 of No. 42 and page 33 of No. 43 of that publication.

6. As far as administrative proceedings are concerned, the Council, at its eighteenth ordinary session, held in October 1984, adopted a new UPOV Model Form for an Application for Plant Breeders' Rights and a new UPOV Model Form for an Application for a Variety Denomination. Those new model forms are reproduced in sections 10 and 11 of the Collection.

7. As far as cooperation in examination is concerned, the Council, at the same session, adopted a new UPOV Model Administrative Agreement for International Cooperation in the Testing of Varieties. That model is reproduced in section 19 of the Collection. It is basically characterized by the fact that the authority of a Contracting State will in general take over the results of an examination performed by the authority of another Contracting State even if both authorities have suitable testing facilities for the species in question. In other words, the new type of agreement guarantees that normally only one examination is performed for each variety for which protection has been applied in the Contracting States.

Initiatives of Other Bodies

8. As far as the initiative of the Commission of the European Communities is concerned, having as its object the creation of a European/Community Breeders' Right, it can be said that the representative of the Commission reported, at the eighteenth ordinary session of the Council of UPOV, that the observations of the Member States of the Communities and of the professional organizations set up at European Community level, had encouraged the Commission to continue with its initiative. On that occasion, it was also stated that the Commission was organizing work on the writing of a preliminary draft, which would also reply to the individual questions asked and observations made during the consultation procedure. According to information received from the Commission that preliminary draft will probably be available in 1986.

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