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# NEWSLETTER

INTERNATIONALER VERBAND  
ZUM SCHUTZ VON  
PFLANZENZÜCHTUNGEN

UNION INTERNATIONALE  
POUR LA PROTECTION  
DES OBTENTIONS VÉGÉTALES

INTERNATIONAL UNION  
FOR THE PROTECTION OF  
NEW VARIETIES OF PLANTS

No. 24

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Geneva

## CONTENTS

page

### Information from UPOV

The International Union for the Protection of New Varieties of Plants in 1980.....	2
Membership of the Union (as of December 31, 1980).....	7
Development of Plant Variety Protection Throughout the World in 1980.....	10
Recommendation on Fees in Relation to Cooperation in Examination.....	24
Recommandation sur les taxes en rapport avec la coopération en matière d'examen.....	25
Empfehlung zur Frage der Gebühren, die sich auf die Zusammenarbeit bei der Prüfung beziehen.....	26
UPOV Model Agreement for International Cooperation in the Testing of Varieties.....	27
Accord type de l'UPOV pour la coopération internationale en matière d'examen des variétés.....	29
UPOV-Mustervereinbarung für die Internationale Zusammenarbeit bei der Prüfung von Sorten.....	31
UPOV Model Form for the Interim Report on the Examination of a Variety.....	33
First Session of the Subgroup of the Administrative and Legal Committee, June 1980.....	35
Twenty-Second Session of the Consultative Committee, October, 1980.....	35
Fourteenth Ordinary Session of the Council, October 1980.....	35
Sixteenth Session of the Technical Committee, November 1980....	35
Sixth Session of the Administrative and Legal Committee, November 1980.....	35

### Information from Member States

United Kingdom: Ratification of the Additional Act of November 10, 1972.....	35
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### Information from Non-Member States

New Zealand: Ratification of the Revised Act of October 23, 1978, of the UPOV Convention.....	35
United States of America: Acceptance of the Revised Act of October 23, 1978 of the UPOV Convention.....	35

### Publications by the Office of the Union

Official Text of the Convention in Italian.....	35
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<u>Calendar</u> .....	36
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INFORMATION FROM UPOV

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The International Union for the Protection of New Varieties of Plants in 1980

State of the Union

In 1980, the International Union for the Protection of New Varieties of Plants (UPOV) recorded an increase in its membership from 11 to 12: on April 18, 1980, Spain deposited its instrument of accession to the International Convention for the Protection of New Varieties of Plants of December 2, 1961, and to the Additional Act of November 10, 1972. It became a member State of UPOV on May 18, 1980. Thus at the end of 1980 UPOV had 12 member States: Belgium, Denmark, France, Germany (Federal Republic of), Israel, Italy, Netherlands, South Africa, Spain, Sweden, Switzerland, United Kingdom.

On July 1, 1980, the United Kingdom deposited its instrument of ratification of the Additional Act of November 10, 1972. It became bound by that Act on July 31, 1980. The Additional Act is now in force for all 12 member States.

The first two of the 16 signatory States of the Revised Act of October 23, 1978, of the UPOV Convention have expressed their consent to be bound by that Act, namely New Zealand by the deposit, on November 3, 1980, of its instrument of ratification and the United States of America by the deposit, on November 12, 1980, of its instrument of acceptance. It is recalled that the Revised Act will enter into force one month after the deposit of the fifth (or a further) instrument of ratification, acceptance, approval or accession on condition that at least three of those instruments are deposited by States that were party to the UPOV Convention of December 2, 1961, that is, the present member States mentioned in the first paragraph. Since neither New Zealand nor the United States of America was party to the Convention of 1961, the entry into force of the Revised Act of 1978 now depends on the deposit of instruments of ratification, acceptance, approval or accession by at least three of the present member States.

The tables appearing on pages 7 to 9 summarize the position of the various States vis-à-vis the various Acts of the Convention.

Sessions

During 1980, the various bodies of UPOV met as described below. Unless otherwise specified, the sessions took place in Geneva.

The Council held its fourteenth ordinary session from October 15 to 17, 1980, under the chairmanship of Mr. H. Skov (Denmark). All the 12 member States were represented, as were, by observers, the following non-member States: Australia, Canada, Chile, India, Iran, Ireland, Japan, Mexico, New Zealand, Norway, Poland, United States of America, Yugoslavia. The Food and Agriculture Organization of the United Nations (FAO) and the European Free Trade Association (EFTA) were also represented by observers.

The Council session started with a symposium on "The Use of Genetic Resources in the Plant Kingdom." The following lectures were given and were followed by a discussion:

(i) "Gene Banks and Clonal Repositories" by Dr. J.T. Williams, Officer in Charge, Genetic Resources Group, FAO, and Executive Secretary, International Board for Plant Genetic Resources (IBPGR), Rome;

(ii) "The Usefulness of Gene Banks - Perspectives for the Breeding of Plants" by Professor G. Fischbeck, Chair for Plant Growing and Plant Breeding, Technical University of Munich, Freising-Weihenstephan, Federal Republic of Germany;

(iii) "Plant Breeders' Rights and the Improvement of Plant Varieties" by Mr. P.W. Murphy, Controller of Plant Variety Rights, The Plant Variety Rights Office, Cambridge, United Kingdom.

Mr. G. de Bakker, Executive Secretary of the European Co-operative Programme for the Conservation and Exchange of Crop Genetic Resources (Geneva), participated in the symposium, as did representatives of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), the International Community of Breeders of Asexually Reproduced Fruit Tree and Ornamental Varieties (CIOPORA) and the International Federation of the Seed Trade (FIS). The records of the symposium will be published in the next issue (No. 25) of the UPOV Newsletter.

The main decisions taken by the Council were the following:

(i) The report of the Secretary-General on the activities of the Union in 1979 and the first nine months of 1980, and the report on his management and on the financial situation of the Union in 1979, were approved.

(ii) The program and budget for 1981 was examined and approved.

(iii) The progress made by the various committees and technical working parties in their work was noted and their plans for future work were approved. In that connection the following texts were adopted:

(a) a Recommendation on Fees in Relation to Cooperation in Examination, to replace the Resolution on Fee Questions adopted at the Council's seventh ordinary session (see pages 24 to 26 below);

(b) the UPOV Model Agreement for International Cooperation in the Testing of Varieties, as amended to take account of the above-mentioned Recommendation (see pages 27 to 32 below);

(c) a UPOV Model Form for the Interim Report on the Examination of a Variety (see pages 33 and 34 below).

(iv) The following officers were elected:

(a) Dr. W. Gfeller (Switzerland) was elected President of the Council. His term of office will last until the end of the seventeenth ordinary session of the Council (1983);

(b) Mr. W. van Soest (Netherlands) was elected Vice-President of the Council. His term of office will last until the end of the fifteenth ordinary session of the Council (1981);

(c) Mr. P.W. Murphy (United Kingdom) was elected Chairman of the Administrative and Legal Committee. His term of office will last until the end of the seventeenth ordinary session of the Council (1983);

(d) Mr. C. Hutin (France) was elected Chairman of the Technical Committee. His term of office will last until the end of the seventeenth ordinary session of the Council (1983).

The Consultative Committee held its twenty-first session on April 16, 1980, and its twenty-second session on October 14 and 17, 1980, both under the chairmanship of Mr. H. Skov (Denmark). At its twenty-first session, the Committee mainly considered the organization of future ordinary sessions of the Council, reviewed the list of States and organizations to be invited to the various UPOV meetings and decided on the arrangements to be made for the participation of UPOV in the ninth Panamerican Seed Seminar, held in Buenos Aires (Argentina) from November 17 to 21, 1980. The twenty-second session was devoted mainly to the preparation of the fourteenth ordinary session of the Council and to a discussion on the theme of the symposium part of the fifteenth ordinary session of the Council (1981).

The Administrative and Legal Committee held its fifth session on April 17 and 18, 1980, under the chairmanship of Dr. D. Böringer (Federal Republic of Germany) and with the participation of observers from Canada, Ireland, Japan, Poland, the United States of America and the Commission of the European Communities. It held its sixth session on November 13 and 14, 1980, under the chairmanship of Mr. P.W. Murphy (United Kingdom) and with the participation of observers from Ireland, Japan, the United States of America and the Commission of the European Communities. A Subgroup of the Administrative and Legal

Committee held its first session on June 23 and 24, 1980, under the chairmanship of Dr. H. Mast (Vice Secretary-General). Denmark, France, Germany (Federal Republic of), Israel, Italy, the Netherlands, Spain, Switzerland and the United Kingdom were represented at the latter session.

The main topic at the above sessions was the future program of work relating to the further development of the Union. At its fifth session the Committee identified the following three main fields of activity, noting at the same time that any activity in one of those fields would have a bearing on the other two:

(i) intensification of existing cooperation based on bilateral administrative agreements;

(ii) harmonization of national legislation and practice among member States;

(iii) examination of a system--or systems--of cooperation more far-reaching than the existing one.

Harmonization of national legislation and practice among member States was given the highest priority in view of the fact that member States would have to amend their national laws in order to ratify the Revised Act of 1978 of the UPOV Convention, which moreover offered a welcome opportunity for such harmonization. In that connection the Subgroup established a list of topics concerning plant variety protection law which was further discussed by the Committee at its sixth session.

At its fifth session the Committee finalized the draft Recommendation on Fees in Relation to Cooperation in Examination and at its sixth established the principles governing the practical application of the Recommendation in special cases such as the presence of several applications giving rise to cooperative examination or the withdrawal or rejection of one such application. The principles will be published in issue No. 26 of the UPOV Newsletter.

At its fifth session the Committee considered, article by article, a revised version of the draft UPOV Model Law on Plant Variety Protection and agreed to the Office of the Union being responsible for finalizing the Model Law.

Finally, the Committee recommended to member States that they publish annually, on the date most convenient to them, a list of the protected varieties containing the following information as a minimum: genus or species, variety denomination, name and address of the holder of the title of protection.

The Technical Committee held its fifteenth session on March 18 and 19, 1980, under the chairmanship of Mr. A.F. Kelly (United Kingdom) and its sixteenth session from November 10 to 12, 1980, under the chairmanship of Mr. C. Hutin (France). All member States except Israel and Italy were represented at the fifteenth session and all except Italy at the sixteenth session, which was also attended by an observer from the United States of America.

At its fifteenth session, the Technical Committee examined the need for the submission of a further seed sample for testing in the second growing season, and agreed that the first submitted sample should, for the purposes of distinctness, be the authentic or reference sample. It also examined the need for the testing of the parental lines of a hybrid variety in addition to the testing of the hybrid variety itself, the possibilities of and need for harmonization and cooperation in testing the resistance of varieties to pests and diseases and the implications of sophisticated methods such as electrophoresis on the testing of varieties. Discussions on the latter topic continued at the sixteenth session, during which the Committee also considered the possibility of improving the Tables of Characteristics of the Test Guidelines by including further characteristics which were already used in some of the member States, the possibility of establishing a list of all varieties under examination, the problems caused by mutations and those associated with the maintenance of reference collections for vegetatively propagated species, and the question of the homogeneity of vegetatively propagated varieties. Discussions on most of these items will continue during the next session.

As in previous years, the Committee supervised the work of the five Technical Working Parties. It adopted four revised Test Guidelines, namely for Maize (TG/2/4), for Ryegrass (TG/4/4), for Rose (TG/11/4) and for Poplar (TG/21/7) and nine new Test Guidelines, for Flax and Linseed (TG/57/3), for Sheep's Fescue and Red Fescue (TG/67/4), for Blackberry (TG/73/3), for Celeriac (TG/74/3), for Cornsalad (TG/75/3), for Sweet Pepper (TG/76/3), for Gerbera (TG/77/3), for Kalanchoë (TG/78/3) and for White Cedar (TG/79/3). It also agreed on some additional amendments to the Test Guidelines for Black Radish (TG/63/3), for Radish (TG/64/3) and for Kohlrabi (TG/65/3) which had already been formally adopted at the previous session.

The Technical Working Party for Fruit Crops held its eleventh session at Nelspruit (South Africa), from May 5 to 8, 1980, under the chairmanship of Mr. A. Berning (Federal Republic of Germany). At that session, it completed its work on the draft Test Guidelines for Blackberry and agreed to their submission to the Technical Committee. In addition, it continued its discussion on the working papers on Test Guidelines for Citrus and started discussing working papers on Test Guidelines for Kiwi Fruit, for Japanese Plum, for Persimmon (Kakifruit) and--in a subgroup--for Quince.

The Technical Working Party for Agricultural Crops held its ninth session at Wageningen (Netherlands) from May 12 to 14, 1980, under the chairmanship of Miss Jutta Rasmussen (Denmark). At that session, the Working Party completed its work on the draft Test Guidelines for Flax and Linseed and for Sheep's Fescue and Red Fescue and on the draft revised Test Guidelines for Maize and for Ryegrass with a view to their submission to the Technical Committee. It prepared comments on a working paper on Test Guidelines for Peas established by the Technical Working Party for Vegetables, and on a document called Proposed Harmonized Procedure for Testing Varieties of Lolium spp. for Distinctness, Uniformity and Stability prepared by the Commission of the European Communities. It started discussions on a working paper on Test Guidelines for Soya Bean. It further agreed that the working papers on revised Test Guidelines for Wheat, for Barley and for Oats prepared by its Subgroup on Cereals should be submitted as first drafts to the professional organizations concerned for comment.

The Technical Working Party for Forest Trees held its eighth session at Scharnhorst (Federal Republic of Germany) from August 26 to 28, 1980, under the chairmanship of Mr. F. Schneider (Netherlands). At that session, it completed its work on the draft revised Test Guidelines for Poplar, bringing them more into line with the comparable system applied by the International Poplar Commission. In addition, it continued its discussion on the draft Test Guidelines for Willow and on the problems connected with the testing of Norway Spruce and approved the draft Test Guidelines for White Cedar established by the Technical Working Party for Ornamental Plants.

The Technical Working Party for Ornamental Plants held its thirteenth session at Alnarp (Sweden) from September 16 to 18, 1980, under the chairmanship of Mr. A. George (United Kingdom). At that session, it completed its work on the draft Test Guidelines for Gerbera, for Kalanchoë and for White Cedar, and on the draft revised Test Guidelines for Rose with a view to their submission to the Technical Committee, and prepared first drafts for revised Test Guidelines for Poinsettia and for Euphorbia Fulgens to be submitted to the professional organizations for comment.

The Technical Working Party for Vegetables held its thirteenth session at Lund (Sweden) from September 23 to 25, 1980, under the chairmanship of Mr. J. Brossier (France). At that session, it settled a pending problem with regard to the already adopted Test Guidelines for Black Radish, for Radish and for Kohlrabi and completed its work on the draft Test Guidelines for Celeriac, for Cornsalad and for Sweet Pepper with a view to their submission to the Technical Committee. In addition, it prepared first drafts for revised Test Guidelines for Peas and Lettuce, the first-mentioned in cooperation with the Technical Working Party for Agricultural Crops, for submission to the professional organizations for comment.

#### Contacts with States and Organizations

On April 22, 1980, the Vice Secretary-General appeared in a public hearing before the Subcommittee of Department Investigations, Oversight and Research of the House of Representatives Committee on Agriculture of the United States of America to testify in favor of a Bill to amend the Plant

Variety Protection Act (H.R. 999) and also in favor of the United States of America's membership of UPOV. He also participated, at the invitation of the US Patent and Trademark Office, in a ceremony held in Washington D.C. on the occasion of the 50th Anniversary of the United States plant patent system.

On May 7, 1980, the Vice Secretary-General attended, as an observer, the seventeenth ordinary meeting of the Southern African Regional Commission for Conservation and Utilization of the Soil (SARCCUS), held in Lilongwe (Malawi), where he addressed delegates from seven African States on the contents of the UPOV Convention, the activities of UPOV and the advantages for States of joining UPOV. He also used the opportunity to establish contacts with the competent authorities of Malawi.

The Vice Secretary-General took advantage of his presence in Southern African to attend the opening meeting of the Technical Working Party for Fruit Crops and to pay a visit to the Division of Plant and Seed Control in the Department of Agriculture in Pretoria (South Africa) and to some of its testing facilities near Pretoria.

On his return from the SARCCUS meeting, on May 9 and 10, 1980, the Vice Secretary-General discussed plant variety protection matters in Nairobi (Kenya) with Government representatives and experts of that country.

The Vice Secretary-General paid a visit to the Junta of the Cartagena Agreement (JUNAC) in Lima (Peru) at the beginning of June to assist in the preparation of a draft for a Model Law on Plant Variety Protection for the States of the Cartagena Agreement.

The Vice Secretary-General also participated in the annual meeting of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL) and in the Congress of the International Federation of the Seed Trade (FIS), both held in Cannes (France) at the end of May and beginning of June 1980, and in certain meetings of the Thirty-Second Congress of the International Association of Horticultural Producers (AIPH), held in Basel (Switzerland) on August 25 and 26, 1980.

The Office of UPOV received a delegation from the People's Republic of Hungary during the week from September 7 to 12, 1980. At the invitation of the President of the National Office of Inventions, a UPOV delegation consisting of Dr. D. Böringer (Chairman of the Administrative and Legal Committee), Dr. W. Gfeller (now President of the Council) and Dr. H. Mast (Vice Secretary-General) discussed plant variety protection matters in Budapest with officials of the National Office of Inventions and the Ministry of Agriculture of the People's Republic of Hungary.

A staff member of UPOV attended a discussion meeting on the Italian legislation for the patenting of new varieties of plants (present state and prospects) which was held in Padua (Italy) on September 12, 1980, and gave a lecture on UPOV and its activities.

A UPOV delegation consisting of Dr. Böringer (Federal Republic of Germany), Mr. H. Skov (Denmark) and Dr. H. Mast (Vice Secretary-General of UPOV) participated in the ninth Panamerican Seed Seminar held in Buenos Aires (Argentina) from November 17 to 21, 1980. Lectures were given on the aims and the organization of UPOV and on the examination of new varieties for distinctness, homogeneity and stability.

The Office of UPOV was represented in an observer capacity at the first meeting of the Governing Board of the European Co-operative Programme for the Conservation and Exchange of Crop Genetic Resources, held in Geneva from December 15 to 18, 1980.

#### Publications

In 1980, the Office of the Union published four issues of the UPOV Newsletter, brochures containing the Italian and Russian texts of the UPOV Convention of 1961, of the Additional Act of 1972 and of the Revised Act of 1978 of the UPOV Convention (UPOV publications 293(I) and 293(R) respectively), a brochure containing the Spanish text of the Revised Act of 1978 of the UPOV Convention (UPOV publication 295(S)), a UPOV Model Law on Plant Variety Protection in English and Spanish (document UPOV/INF/6) and an updated version of the UPOV General Information Brochure in English, French, German and Spanish (UPOV publications 408(E), (F), (G), (S) respectively).

Membership of the Union  
(as of December 31, 1980)

International Convention for the Protection of New Varieties of Plants  
of December 2, 1961

State	Signature	Ratification or Accession	Date of Entry into Force
Belgium	December 2, 1961	November 5, 1976	December 5, 1976
Denmark	November 26, 1962	September 6, 1968	October 6, 1968
France	December 2, 1961	September 3, 1971	October 3, 1971
Germany (Federal Republic of)	December 2, 1961	July 11, 1968	August 10, 1968
Israel	-	November 12, 1979	December 12, 1979
Italy	December 2, 1961	June 1, 1977	July 1, 1977
Netherlands	December 2, 1961	August 8, 1967	August 10, 1968
South Africa	-	October 7, 1977	November 6, 1977
Spain	-	April 18, 1980	May 18, 1980
Sweden	-	November 17, 1971	December 17, 1971
Switzerland	November 30, 1961	June 10, 1977	July 10, 1977
United Kingdom	November 26, 1961	September 17, 1965	August 10, 1968
(Total: 12 States)			



Additional Act of November 10, 1972, Amending the International Convention  
for the Protection of New Varieties of Plants

State	Signature	Ratification or Accession	Date of Entry into Force
Belgium	November 10, 1972	November 5, 1976	February 11, 1977
Denmark	November 10, 1972	February 8, 1974	February 11, 1977
France	November 10, 1972	January 22, 1975	February 11, 1977
Germany (Federal Republic of)	November 10, 1972	July 23, 1976	February 11, 1977
Israel	-	November 12, 1979	December 12, 1979
Italy	November 10, 1972	June 1, 1977	July 1, 1977
Netherlands	November 10, 1972	January 12, 1977	February 11, 1977
South Africa	-	October 7, 1977	November 6, 1977
Spain	-	April 18, 1980	May 18, 1980
Sweden	January 11, 1973	January 11, 1973	February 11, 1977
Switzerland	November 10, 1972	June 10, 1977	July 10, 1977
United Kingdom	November 10, 1972	July 1, 1980	July 31, 1980
(Total: 12 States)			

International Convention for the Protection of New Varieties  
of Plants of December 2, 1961, as Revised at Geneva  
on November 10, 1972, and on October 23, 1978

State	Signature	Ratification, Acceptance, Approval or Accession	Date of Entry into Force
Belgium	October 23, 1978	-	-
Canada	October 31, 1979	-	-
Denmark	October 23, 1978	-	-
France	October 23, 1978	-	-
Germany (Federal Republic of)	October 23, 1978	-	-
Ireland	September 27, 1979	-	-
Italy	October 23, 1978	-	-
Japan	October 17, 1979	-	-
Mexico	July 25, 1979	-	-
Netherlands	October 23, 1978	-	-
New Zealand	July 25, 1979	November 3, 1980	-
South Africa	October 23, 1978	-	-
Sweden	December 6, 1978	-	-
Switzerland	October 23, 1978	-	-
United Kingdom	October 23, 1978	-	-
United States of America	October 23, 1978	November 12, 1980	-
(Total: 16 States)			

### Development of Plant Variety Protection Throughout the World in 1980

Following established practice, the representatives of the States having participated in the fourteenth ordinary session of the Council (October 15 to 17, 1980) briefly reported on the development of plant variety protection in their countries.

A summary of the statements, as recorded in the report on the above-mentioned session, is given hereinafter.

**Belgium:** There has been no change during the past year from the legislative point of view. However, a first draft of a law for the amendment of the plant variety protection law and for the ratification of the 1978 Revised Text of the UPOV Convention (hereinafter referred to as "the 1978 Revised Text") has been prepared. Moreover, a draft official text of the 1978 Revised Text in the Dutch language is being discussed between the Belgian and Dutch authorities. The extension of protection to a further ornamental species is envisaged in the immediate future.

Belgium currently protects 59 genera or species, chosen from among the most important to its economy and covering all sectors of agricultural activity. This range of protection has been made possible by cooperation in examination with other member States, namely France, the Federal Republic of Germany and the Netherlands, with which bilateral agreements have been concluded, and with Denmark and the United Kingdom, with which the bilateral arrangements are informal. This cooperation also extends to species not covered by plant variety protection legislation, for the purpose of national listing. The national authorities are considering setting up an institute for the technical examination of varieties, with two main centers located in Ghent and in Gembloux.

As regards the use made by breeders of the plant variety protection system, detailed statistics are given in the following table.

USE MADE BY BREEDERS OF THE PLANT VARIETY  
PROTECTION SYSTEM OF BELGIUM\*

	1977	1978	1979	1980**	Total
<u>Agricultural Crops</u>					
Oats	-	10	2	-	12
	-	-	11	-	11
Turnip	-	-	-	1	1
	-	-	-	-	-
Meadow Fescue	-	-	-	2	2
	-	-	-	2	2
Red Fescue	-	-	-	7	7
	-	-	-	7	7
Barley	-	17	1	2	20
	-	-	15	1	16
Flax, Linseed	-	-	2	6	8
	-	-	-	7	7
Hybrid Ryegrass	1	1	-	-	2
	-	-	1	1	2
Italian Ryegrass	-	4	-	-	4
	-	-	4	-	4

\* First line: applications filed; second line: titles of protection issued

\*\* Until October 13, 1980

	1977	1978	1979	1980	Total
Perennial Ryegrass	1	6	3	2	12
	-	-	7	-	7
Kentucky Bluegrass	-	-	-	4	4
	-	-	-	4	4
Rye	-	1	1	-	2
	-	-	2	-	2
Potato	-	-	-	33	33
	-	-	-	22	22
White Clover	-	-	-	1	1
	-	-	-	1	1
Bread Wheat	1	20	4	1	26
	-	1	20	4	25
Spelt	-	1	-	1	2
	-	-	1	-	1
<u>Vegetables</u>					
Lettuce	-	-	2	1	3
	-	-	-	2	2
French Bean	-	13	1	-	14
	-	5	3	4	12
Pea	-	17	2	-	19
	-	6	7	2	15
Black Salsify	-	-	-	2	2
	-	-	-	1	1
<u>Fruit Crops</u>					
Strawberry	-	8	2	-	10
	-	8	-	2	10
Apple	-	1	1	1	3
	-	1	-	1	2
Plum	-	-	-	1	1
	-	-	-	1	1
<u>Ornamental Plants</u>					
Carnation	-	-	4	-	4
	-	-	-	4	4
Azalea, Rhododendron	-	4	1	3	8
	-	-	2	3	5
Rose	-	40	8	12	60
	-	-	19	9	28
<u>Forest Trees</u>					
Poplar	-	13	-	-	13
	-	-	-	13	13
Total	3	156	34	80	273
	-	21	92	91	204

Denmark: During the last year, all activity in the legislative field has been concentrated on collecting information on the legislation of other member States and on examining the possibilities for amendment of the present bilateral agreements on cooperation in examination. The information collected will serve as a basis for the assessment of the possibilities for the harmonization of Danish legislation with that of other member States on certain important points. Harmonization is considered beneficial for applicants and also an essential step towards closer cooperation between member States. In this respect, the forthcoming session of the Administrative and Legal Committee is awaited with great interest. Because of the time needed for the above assessment and for the drafting of a new law, the possibility will be considered of amending the existing law at first only to the extent needed for ratification of the 1978 Revised Act, so that ratification may take place without delay.

During 1979, a total of 127 applications for protection were received-- which is very close to the average of the four preceding years-- and 68 titles of protection were issued. For the first half of 1980, the figures were 72 and 27 respectively.

The extension of the bilateral agreement signed with the Federal Republic of Germany for cooperation in the examination of Kalanchoë, Pelargonium and Rose was formally concluded. Certain possibilities are under consideration with regard to the extension of the list of protected species on the basis of cooperation in examination.

A meeting sponsored by Protestant circles (Danchurchaid) and devoted to the question of plant variety protection and its impact was held in Denmark, but the official authorities were not invited to participate and the conditions under which breeders were invited to present their case were such that they had to decline the invitation.

Finally, a request for extension of the period of protection was made recently in respect of potato. The period is 15 years for that and some other species, and some important varieties have already fallen or are about to fall into the public domain.

In this connection it was also mentioned that the first titles of protection issued in the Federal Republic of Germany were expiring, and that this raised a number of questions, such as how new multiplication contracts should be drafted, who had the right to maintain the variety and how it could be ensured that the variety really came into the public domain, on which discussion within UPOV was advisable. In the United Kingdom too titles of protection are now starting to expire. There is a possibility for the Controller of Plant Variety Rights to extend the period of protection of a variety beyond the normal term under certain circumstances--according to a provision taken over from the Patent Law, which had been removed from that Law in the recent revision and compensated by an extension of the normal period of protection--and the first request for such extension was received three weeks ago. As to the usefulness of this system, it was explained that, while it was somewhat difficult to manage from an administrative point of view, it allowed opposition to a long period of protection to be overcome.

France: Like the other member States, France is considering amendment of its plant variety protection legislation with a view to ratification of the 1978 Revised Act. However, it wishes to have discussions take place beforehand with a view to bringing about extensive harmonization of national legislation and thereby enabling French legislation to be updated meaningfully. A ratification Bill is expected to be submitted to Parliament in 1981.

An extension of the period of protection from 20 to 25 years for inbred lines of maize is imminent. With regard to that species, the authorities are also considering whether the protection of hybrid genitors, which are merely intermediate material in the production of commercial hybrids, should not be discontinued in order to discourage "pseudo-breeding," the purpose of which is to appropriate cross-breeds from public domain lines. In addition, protection will be extended in the short term to Alstroemeria and Pelargonium. Interested circles have asked for extension to a dozen further species, and this is under consideration.

Some statistics on the activities of the French Committee for the Protection of New Plant Varieties are reproduced on pages 14 to 16 below. A total of 67 genera or species are protected in France, the most important being Maize (a total of 577 applications received to date), Chrysanthemum (379), Rose (249), French Bean (214), Carnation (179), Potato (175), Bread Wheat (136), Pea (132), Barley (106), Lettuce (96), Peach (81) and Tomato (79). These are followed by a group of 11 species with a number of applications ranging from 10 to 35 (Oats, Durum Wheat, Strawberry, Flax and Linseed, Plum, Vine, Begonia, Apple, Common Sunflower, Gerbera and Gladiolus). There are 24 genera or species for which no application has yet been received.

In 1978 and in 1979, the number of applications filed amounted to 381, whereas it amounted to 325 in the first nine months of 1980, making a total of 2,782 since the entry into force of the plant variety protection system. As far as the number of titles of protection issued is concerned, the figures are 223, 126, 141 and 1,177 respectively.

In recent years, a significant number of applications have been withdrawn in the course of the examination of the varieties: 58 applications in 1978, or 15.2% of the applications received during that year, 94 in 1979 (24%) and 70 in the first nine months of 1980 (21.3%). The numbers of titles of protection abandoned are as follows: 37 in 1978, 79 in 1979 and 52 in the first nine months of 1980. Three reasons are given for this: lack of homogeneity or distinctness of the material submitted, lack of commercial interest in the variety, and possibly the cost of protection, which is considered excessive by certain breeders.

With regard to cooperation in examination, France has entrusted other member States with variety examination for 22 species (34% of all species protected) and carries out examination on behalf of seven other member States for 24 species.

Federal Republic of Germany: A revision of plant variety protection legislation is currently in preparation. One of its aims is to bring that legislation into conformity with the 1978 Revised Act. The Amendment Bill is not expected to be ready for submission to Parliament before the autumn of 1981.

An ordinance providing for the extension of protection to Cotoneaster, Dahlia, cultivated Blueberry (Vaccinium-Corymbosum-Hybrids) and certain Orchids is also in preparation. Dahlia and the Orchids will be examined by the Netherlands, while Cotoneaster and cultivated Blueberry will be examined within the country and may be the subject of an offer for cooperation.

During the year ending June 30, 1980, applications for protection totalled 611, against 601 during the preceding year.

Recently the Protestant Academy of the Federal Republic of Germany organized a seminar which examined in particular the arguments on which a campaign against plant variety protection was based. As far as plant variety protection was concerned, it was effectively made clear that it did not contribute, either nationally or internationally, to the genetic impoverishment of the plant kingdom.

Israel: Israel deposited its instrument of accession to the UPOV Convention on November 12, 1979, and became a member of the Union on December 12, 1979. Preparatory work has started on accession to the 1978 Revised Act and it is hoped that this will lead to the deposit of an instrument by the beginning of next year.

The Plant Breeders' Rights Law was enacted in 1973 and is now applicable to 64 genera, including 73 species. One of the major activities undertaken since enactment of the Law has been the establishment of technical questionnaires for the various crops. That work has been completed for 40 species. UPOV Test Guidelines were used as a basis whenever they were available. The fact that there is growing interest among foreign breeders in obtaining protection in Israel has led to the establishment of English versions--alongside the Hebrew ones--for the technical questionnaires relating to such crops as Rose, Carnation and Chrysanthemum.

USE MADE BY BREEDERS OF THE PLANT VARIETY  
PROTECTION SYSTEM OF FRANCE

Chart 1: STAGE, ALL SPECIES TOGETHER, AS AT SEPTEMBER 30, 1980

YEAR	APPLICATIONS		GRANTS		WITHDRAWALS REJECTIONS ABANDONED						
	A	B	A	B	A	B	A	B	A	B	
1971	10		-	-	-	-	-	-	-	-	-
1972	599		-	-	-	-	-	-	-	-	-
1973	131		28		14		-	-	-	-	-
1974	117		251		32		-		2		
1975	181		139		34		2		13		
1976	273		142		58		7		22		
1977	384		127	33%	36	9,3%	6	1,5%	21	5,4%	
1978	381		223	58,5%	58	15,2%	15	3,9%	37	9,7%	
1979	381		126	33%	94	24%	3	-1%	79	20,7%	
(1980)	(325)		(141)		(70)		(18)		(52)		
TOTAL	2782		1177	42,3%	396	14,2%	51	1,8%	146	5,2%	

A ACTUAL NUMBER

B PERCENTAGE

( ) DATA FOR 1980 AS AT SEPTEMBER 30, 1980

Chart 2: STAGE, BROKEN DOWN BY SPECIES, AS AT DECEMBER 31, 1979

SPECIES	APPLICATIONS	GRANTS	WITHDRAWALS	REJECTIONS	ABANDONED	PENDING
APRICOT	5	4	-	-	-	1
OATS	31	19	1	1	1	9
DURUM WHEAT	20	10	1	1	1	7
BREAD WHEAT	128	76	12	-	13	27
CHERRY	4	2	-	-	-	2
QUINCE	1	-	-	-	-	1
STRAWBERRY	32	24	1	-	4	3
LETTUCE	89	42	24	2	15	6
FRENCH BEAN	205	108	27	7	20	43
FLAX AND LINSEED	15	8	-	1	-	6
MAIZE	416	163	64	5	6	178
BARLEY	91	59	5	1	11	15
CARNATION	170	75	45	5	22	23
PEACH	73	31	9	-	17	22
POPLAR	0	-	-	-	-	0
PEAR	2	-	-	-	-	2
PEA	128	69	17	3	18	21
POTATO	171	124	29	2	14	2
PLUM	11	4	-	-	-	7
RICE	5	4	-	-	1	0
ROSE	222	137	24	3	23	35
TOMATO	78	42	26	1	7	2
VINE	27	7	1	1	-	18
ALMOND	4	-	-	-	-	4
BEGONIA	14	9	-	-	-	5
BERBERIS	0	-	-	-	-	0
BUDDLEIA	0	-	-	-	-	0
BLACK CURRANT	1	-	-	-	-	1
CHESTNUT	0	-	-	-	-	0
CHRYSANTHEMUM	333	-	40	-	-	293
OILSEED RAPE	11	1	1	-	-	9
FORSYTHIA	0	-	-	-	-	0
RASPBERRY	2	-	-	-	-	2
FREESIA	0	-	-	-	-	0



SPECIES	APPLICATIONS	GRANTS	WITHDRAWALS	REJECTIONS	ABANDONED	PENDING
HYDRANGEA	0	-	-	-	-	0
LAGERSTROEMIA	4	-	-	-	-	4
LAVENDER	1	-	-	-	-	1
LAVENDER	4	-	-	-	-	4
FLOWERING CRAB	4	-	-	-	-	4
NERIUM OLEANDER	0	-	-	-	-	0
HAZELNUT	0	-	-	-	-	0
APPLE	28	-	-	-	-	28
FIRETHORN	0	-	-	-	-	0
COMMON SUNFLOWER	24	9	-	-	1	14
WEIGELA	0	-	-	-	-	0
EGGPLANT	6	-	-	-	-	0
ENDIVE	0	-	-	-	-	0
ENDIVE	0	-	-	-	-	0
EUPHORBIA FULGENS	0	-	-	-	-	0
GERBERA	34	0	1	-	-	33
GLADIOLUS	17	0	1	-	-	16
RED AND WHITE CURRANTS	0	-	-	-	-	0
GOOSEBERRY	0	-	-	-	-	0
HOPS	0	-	-	-	-	0
IRIS	0	-	-	-	-	0
JUNIPERUS	0	-	-	-	-	0
LILY	0	-	-	-	-	0
CORNSALAD	0	-	-	-	-	0
ORCHIDS	16	-	-	-	-	2
KENTUCKY BLUEGRASS	0	-	-	-	-	0
SWEET PEPPER	7	-	-	-	-	7
POINSETTIA	0	-	-	-	-	0
RHODODENDRON	0	-	-	-	-	0
BLACKBERRY	0	-	-	-	-	0
SAINTPAULIA	5	3	-	-	-	2
SOYA BEAN	3	-	-	-	-	3
THUYA	0	-	-	-	-	0

Given the high examination costs and the increasing number of applications received for ornamental varieties from foreign breeders, Israel will shortly be approaching other member States with a view to concluding bilateral agreements for cooperation in examination.

The first issue of the bi-annual Plant Breeders' Rights Gazette, largely based on the UPOV model, is in preparation.

At present, titles of protection are in force for 120 varieties (33 agricultural varieties, 36 vegetables, 49 ornamentals and 2 fruit varieties) and 70 applications are pending.

Italy: The Patent Office is preparing the amendment of national legislation so that ratification of the 1978 Revised Act may take place. Two meetings with interested circles have already taken place and it is hoped that the preparatory work can be completed by the end of the current year, and that work can then continue at Parliamentary level. Moreover, a Decree extending protection from 10 to 67 species has been passed and is now awaiting publication in the Official Gazette.

To date 248 applications for protection have been received and 26, relating to varieties already registered in the national list, have been viewed favorably by the Ministry of Agriculture.

Finally, the 1976 issue of a gazette containing useful information on plant variety protection has been published and distributed, while the 1977 and 1978 issues are in preparation.

Netherlands: The procedure for approval of the 1978 Revised Act by Parliament will start this autumn and under normal circumstances will result in formal consent to be bound by the 1978 Revised Act in the middle of 1981. In this connection, two small amendments will be incorporated in Dutch legislation: the definition of "member State of UPOV" will be broadened to cover States having become members of UPOV on the basis of the 1978 Revised Act, and the provisions of Article 6(1)(b)(ii) of the 1978 Revised Act will be accommodated. Apart from that, a complete revision of the Seeds and Planting Materials Act, which also deals with matters other than plant variety protection, is in preparation, thus providing a good opportunity for harmonization with the legislation of other member States.

Protection has been extended to further species in 1980 (Bougainvillea, Kalanchoë and Blazing Star), and to interspecific hybrids of Ribes by means of a proper amendment of some entries in the list of protected species, in recognition of breeding activities undertaken in the Netherlands and also as a contribution to the harmonization of the lists of protected species of the member States. Further extension to Dahlia, Dill, Fennel and a few genera of Bromeliaceae is planned. Moreover, an extension to woody ornamentals is under discussion and the possibility of obtaining protection is expected to have a stimulating effect on breeding activity, which has been very limited so far in this field.

In the last two years the annual number of applications received has exceeded 600, more than half of them relating to ornamentals.

The Netherlands considers cooperation in variety examination very important. It welcomes the adoption of the Recommendation on Fees in Relation to Cooperation in Examination, in particular since it mitigates the problem faced by States when they entrust the examination of a variety to another State, which is that such States are at the mercy of unexpected rises in the fees of the examining State and therefore in the consideration to be paid to it. In view of the fact that a system of closer cooperation would have to be based on the examination of a variety by one State only on behalf of all the others, the Netherlands advocates a further strengthening of both the technical and the administrative aspects of the present system of bilateral agreements.

Finally, the plant variety protection system, which is intended as a stimulus to plant breeding in the interest of the development of agriculture, is not contested.

Republic of South Africa: The Plant Breeders' Rights Act was amended during the 1980 Parliamentary session to accommodate the 1978 Revised Act. The Amendment Act and its regulations are expected to come into operation within the next three months, whereupon South Africa will be in a position to ratify the 1978 Revised Act.

At present new varieties of 83 genera or species are eligible for protection. A significant increase in the interest shown by breeders in the system is now being experienced and can be illustrated by the fact that the number of applications for protection received during the last three months totalled 26, almost equalling the average number of applications received in previous years. Since South Africa became a member of UPOV, the proportion of applications filed by non-residents has also been increasing. At present, 92 applications for protection relating to 20 genera or species are being examined and 72 varieties of 19 genera or species are protected. Test results on five varieties of Chrysanthemum have been taken over from the United Kingdom, and this has significantly expedited the registration of the plant breeders' rights in them. In terms of plant variety protection, Rose, Peach, Proteas, Apple, Tomato and Soya Bean are the most important species.

The concept of plant variety protection is widely accepted in South Africa in both the private and official circles. No opposition to the plant variety protection system of the kind recently experienced in certain other countries has arisen in South Africa, and any campaign which might be launched to this end would not meet with success.

Spain: Since the last ordinary session of the Council, Spain has deposited its instrument of accession to the UPOV Convention; its accession took effect on May 18, 1980.

The Convention is at present applied to seven agricultural and ornamental species, and extension is under consideration. Variety examination takes place at the national level. Since the entry into force of the plant variety protection system in 1978, a total of 511 applications for protection have been received, 283 for agricultural and 228 for ornamental varieties, and two titles have been issued.

Finally, during the past year, four issues of the Plant Breeders' Rights Gazette were published. The Gazette was based on the UPOV model.

Sweden: There has been no change in national legislation during the past year, except with regard to fees. Work has started on legislative revision with a view to ratification of the 1978 Revised Act, which, it is hoped, will take place in the autumn of 1981.

During the past year, the number of incoming applications has remained at about the same level as in the preceding one. The number of titles of protection in force has increased to 140 as of July 1, 1980.

Switzerland: The 1978 Revised Act and the proposal to amend Article 5(3) of the Plant Variety Protection Law in order to adapt it to Article 6(1)(b)(ii) of the 1978 Revised Act were approved by the National Council (Nationalrat) on June 18, 1980, and by the Council of the States (Ständerat) on October 23, 1980. In view of the fact that a three-month referendum period has to be allowed, ratification of the 1978 Revised Act cannot take place until the spring of 1981 at the earliest.

With effect from January 3, 1980, protection has been extended to further genera and species, bringing the total number to 23. Since the beginning of the year, 32 applications for protection have been filed and 67 applications have now been received since the entry into force of the plant variety protection system. Protection has been granted to 20 varieties, whereas one application has been withdrawn and 46 are pending.

The bilateral agreements concluded with France and the Federal Republic of Germany have been extended to a further five and 12 species respectively. Further bilateral agreements have been concluded with the Netherlands and with the United Kingdom; they entered into force on January 1, 1980, and on June 1, 1980, respectively.

Finally, on September 9, 1980, a group of Hungarian experts, accompanied by the Vice Secretary-General of UPOV, visited the Office for Plant Variety Protection, where the advantages of joining UPOV were explained to them.

United Kingdom: The United Kingdom ratified the 1972 Additional Act on July 1, 1980, and can now concentrate on ratification of the 1978 Revised Act. However, as the legislative bodies are faced with a very heavy workload, ratification cannot be expected to take place in 1981, and it is even doubtful whether it can take place in 1982.

Protection was extended as of April 1, 1980, to seven further species (Beetroot, Cauliflower, Flax and Linseed, Gooseberry, agricultural varieties of Oenothera, Rye and Swede Rape, including Oilseed Rape). Concerning Oenothera, current research work is being devoted to the production of oil, which has some pharmaceutical properties, and it is hoped that some improved varieties can be produced.

Since 1965, a total of 3,479 applications for protection have been received, of which 873 have been subsequently withdrawn and 83 rejected, while 1,852 have resulted in the grant of protection. During the 1980 agricultural campaign, 1,115 varieties were under examination (661 agricultural varieties, 50 vegetables, 384 ornamentals, the latter including 130 chrysanthemum varieties examined solely on behalf of other member States, and 20 fruit varieties).

As regards cooperation in examination, present budgetary restrictions have caused a number of offers for cooperation, made in respect of minor ornamental species, to be withdrawn. Furthermore, a recent plant health order has prohibited the import of chrysanthemum cuttings from some non-European countries, but import licenses will be issued for cuttings submitted for variety examination provided that relevant phytosanitary certificates can be supplied, which means that breeders have to cooperate with their national plant health services.

Finally, while the plant variety protection system is itself not contested much in the United Kingdom, there is a great deal of confusion in people's minds about that system and the EEC Common Catalogue System. It is feared, in particular, that the latter is leading to a "genetic erosion," whereas in fact it is leading to the elimination of synonyms and possibly also homonyms in variety denominations.

Australia: The Government has accepted the principle that a plant variety protection system should be introduced as it considers that such a system will promote plant breeding and benefit Australian agriculture. The drafting of the legislation has almost been completed. The Minister for Primary Industry, who is responsible for the matter, announced in August 1980 that he intended to place the legislation before Parliament early in 1981 and to have it discussed in the August to October session, so that the public might have access to the details of the Bill, thereby allowing ample time for public discussion. At present, the issue is already being hotly debated by the public and a major campaign has been mounted by its opponents.

One of the characteristics of the intended legislation is that it will require cooperation between Commonwealth and State authorities and also unanimous agreement on the part of the Ministers on the Australian Agricultural Council as to the benefits of the system. Failing such agreement the legislation could not proceed.

Canada: A Bill drafted according to the 1978 Revised Act was submitted to Parliament on May 29, 1980, and received a first reading without debate. In view of other high-priority matters under consideration, it is unlikely to be discussed before some time in 1981. The matter had aroused considerable public interest.

India: So far, the question of plant variety protection has been given little attention by Government circles, mainly because almost all research and development is done by Government bodies. There is a very broad network of

agricultural research institutes and plant breeding centers at both central and State level. In addition, every major agricultural region has its own agricultural university which is also engaged in plant breeding and in extension activities. It is only in the last few years that private plant breeding has begun.

India is also keenly interested in the rapid dissemination of new plant varieties in order to obtain the highest possible rate of growth of agricultural output, and feels that there should be no restriction on the free flow of improved varieties and better seeds to developing countries. In this respect the contribution of international agricultural research and plant breeding institutes is of great benefit to them, and access to future means of improvement of domestic agriculture has to be safeguarded. Thus plant variety protection has also to be examined from that particular angle. It is felt that the results of the discussions of this ordinary session will arouse considerable interest in India.

In this connection the President noted that it was very important to establish dialogue with developing countries on the question of plant breeding in general and plant variety protection in particular, and that member States of UPOV certainly looked forward to profitable dialogue of that kind.

Ireland: The Plant Varieties (Proprietary Act) Bill was passed by Parliament in the summer of 1980 and became law following its signature by the President of the Republic on July 14, 1980. The Act is based on the 1978 Revised Act and it will enable Ireland to ratify the 1978 Revised Act once its Regulations bring it into operation. The Regulations are at an advanced stage of preparation and it is hoped that they will be signed by the Minister of Agriculture by the end of November 1980.

It is proposed to grant protection initially to six species, namely Barley, Bread Wheat, Oats (Avena sativa), Perennial Ryegrass, Potato and White Clover. The periods of protection will be 15 years for cereals and 20 years for other crops.

Japan: The new Seeds and Seedlings Law entered into force on December 28, 1978, and has been made applicable to 365 genera and species, which include agricultural foods, fodder and industrial crops, vegetables, fruit crops, ornamental plants, edible mushrooms and aquatic plants. It is planned to extend protection to further species.

A total of 402 applications for protection have been received as of September 30, 1980. The number of incoming applications is growing steadily as the objectives of the plant variety protection system and its importance for plant breeding become better known. For instance, 100 applications were received between January 1 and September 30, 1980, which doubled the figure for the same period of the preceding year. Nearly half of the applications were filed by individual breeders and the remainder by prefectural experiment stations, private seed companies, food processing companies and farmers' organizations. National research stations have also started to file applications for their new varieties.

Protection is granted on a provisional basis for a term of 60 days, after which it becomes final if no objection is received. The first 19 titles of protection were issued on November 19, 1979, and were followed by 28 and 23 titles issued by subsequent decisions. A further 27 titles were issued in August of the current year and will become final this month. The total number of titles issued will then be 97.

Concerning edible mushrooms, 14 applications were received and three shiitake mushrooms (Lentinus elodes (Berk.) Sing.) given provisional protection in August.

The Seeds and Seedlings Division was reorganized in April 1979. It has undertaken a series of studies on the characteristics of varieties in order to establish objective and precise guidelines. These studies will be completed for 92 crops by the end of March 1981. Nine examiners are already examining varieties for which applications for protection have been filed. Each of them is in charge of a group of crops and has to conduct field investigations, growing tests and examination on documents.

The examination system has been made more efficient by partial computerization, and by the adoption of an information retrieval system whereby similar varieties and similar denominations can be searched out. A still more sophisticated computer system will be established which will enable the Seeds and Seedlings Division to check the various data relating to varieties both domestic and foreign, seed certification and inspection, and business reports submitted by seed companies.

Concerning edible mushrooms, spawn of each variety which is the subject of an application for protection has to be submitted for examination and for storage under conditions allowing long conservation. For this purpose a storage facility is being built at an estimated cost of one million US dollars; completion is scheduled for the end of this year.

Concerning Porphyra, which is one of the important aquacultural crops of Japan, the examination infrastructure, comprising the collection of varieties, the construction of a storage facility and the establishment of guidelines, is expected to be established in the near future.

Having realized that substantial measures other than plant variety protection have to be promptly applied in matters relating to seeds and seedlings, the Seeds and Seedlings Division is now placing emphasis on improving various phases of the production systems and techniques and on establishing administrative guidelines for the production and distribution of seeds and seedlings, so that farmers may be assured of a reliable supply of high-quality material.

The Seeds and Seedlings Division is also closely studying various issues such as the exchange of data on varieties and seeds with other States and the possibility of undertaking tests on behalf of other States, in order to enable Japan to enter into the present cooperation system established between member States as soon as it becomes a member of UPOV. To this end a study team has had an exchange of views with the Plant Variety Protection Office of the United States of America.

The Government of Japan is holding to the policy of ratifying the 1978 Revised Act at the earliest possible moment and is thus keenly interested in developments within the various member and non-member States regarding their ratification or accession to the 1978 Revised Act.

Finally, in order to promote plant variety protection at the international level, the Seeds and Seedlings Division is introducing South-East Asian States to this subject through diplomatic contacts, and is also collecting information on seeds and seedlings in general that relates to these States.

In connection with the report from Japan, the Council noted with interest that Japan had a very wide-ranging list of protected species, and congratulated its authorities thereon. It emphasized that Japan was the first State to be working extensively on edible mushrooms and aquatic plants and took due note of the investments made or planned for the examination of varieties of those groups of species. It underlined that Japan would certainly make an important contribution to the development of the Union if, on becoming a member of the Union, it could undertake tests on behalf of other member States in the framework of cooperation in examination.

Mexico: The 1978 Revised Act will shortly be submitted to the Senate for approval of ratification.

Agricultural research is being carried out to a great extent by the National Institute for Agricultural Research, a Government agency. Research has been centered on food and industrial crops such as Maize, Rice, Beans, Wheat, Potato, Cotton, Soya Bean, Carthamus, Peanut, Oats and Barley. Varieties are listed with the National Register of Plant Varieties, also a Government agency. Varieties bred by the Institute are freely exploited within the country by official agencies and farmers' organizations.

At present the Government of Mexico allows the private sector and international firms to carry out research, provided it is done in coordination with the National Institute for Agricultural Research, to avoid duplication of effort.

New Zealand: Following the amendment of the Plant Varieties Act 1973, that entered into force on October 24, 1979, the instrument of ratification will be deposited in November 1980.

With effect from August 1980, protection has been extended to include all fruit genera, virtually all ornamentals and the following crop and herbage genera: Kale, Oilseed Rape, Flax and Linseed, Phacelia, Phalaris, Fescue and Holcus.

So far, 165 applications have been received and 99 titles of protection issued. For the year ending September 30, 1980, these figures were 28 and 44 respectively. Fees were increased in July 1980. Finally, the first issue of the New Zealand Plant Varieties Journal--which is based on the UPOV model--was published in June 1980.

Norway: During the last year, work on the drafting of plant variety protection legislation has advanced only slowly, but a number of promising decisions have been taken: the Department of Agriculture has given higher priority to this work; legislation will be drafted in accordance with the 1978 Revised Act in order to give Norway the possibility of joining UPOV; the Convention will be translated into Norwegian, as a necessary step for the discussion by Parliament of accession to the 1978 Revised Act.

Poland: The draft law and regulations governing matters concerning plant varieties and seeds, including plant variety protection, has been prepared and approved by the Ministry of Agriculture. They have also been submitted to other interested Ministries for comment. They are at present with the legal office of the Council of Ministers. It is hoped that these drafts will be submitted to the Council of Ministers for approval at the beginning of 1981, and then referred to Parliament as Governmental Bills. The new law will provide the basis for Poland's accession to the Convention.

United States of America: In June 1980, the Supreme Court of the United States of America ruled that a new kind of bacterium, developed in a laboratory, which could "eat" oil slicks could be the subject of an industrial patent. From a broad interpretation of that decision it can be deduced that living material is now protectable under three different Acts, namely the Patent Act, the Plant Patent Act and the Plant Variety Protection Act. With regard to protection under the Patent Act, more than 100 applications concerning bacteria and fungi are pending.

During the past year and a half a Bill has been pending before the Senate and the House of Representatives to amend the Plant Variety Protection Act, mainly with a view to extending protection to the six species that are excluded from the scope of the original Act (Carrot, Celery, Cucumber, Okra, Pepper and Tomato) and extending the period of protection from 17 to 18 years. Circumstances did not allow the Bill to pass and it will be examined again by the Congress at its next session, starting on November 12.\*

The Regulations of the Plant Variety Protection Act have been amended in respect of the rules on reciprocity. Reciprocity agreements will no longer be concluded with other States. Nationals of other States applying for protection in the United States of America will now only have to present up-to-date copies of the laws of their countries to receive the same amount of protection as nationals of the United States of America received in their countries.

As for the progress achieved by the Plant Variety Protection Office, details are given opposite. Particularly noteworthy is the increase in the number of applications received during the fiscal year 1980 over those received during the fiscal year 1979. This increase can be attributed either to the publicity given to the Plant Variety Protection Act by its opponents or to the fact that varieties bred in response to the stimulating effect of the Act are now being brought out.

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\* The Bill has passed in the meantime.

PROGRESS RECORDED BY THE PLANT VARIETY PROTECTION  
OFFICE OF THE UNITED STATES OF AMERICA

As of October 1980, the Plant Variety Protection Office has completed the placement of variety descriptions in the computer for 58 crops for which applications have been received. Since the Plant Variety Protection Act was signed in 1970, a total of 774 certificates of protection have been issued and 15,853 variety descriptions have been computerized. During fiscal year 1979 we received 120 applications for protection and issued 88 certificates. During Fiscal Year 1980, which ended September 30, 1980, we received 166 applications and issued 125 certificates.

Total applications received.....	1,178
Total applications received in fiscal 1978.....	106
Total applications received in fiscal 1979.....	120
Total applications received in fiscal 1980.....	166
Total applications received from foreign countries.....	92
Total applications received from experiment stations.....	140
Total applications abandoned, ineligible, withdrawn, or denied....	231
Total certificates issued.....	774
Total certificates issued as certified seed only.....	332
Total applications pending final action.....	172

The breakdown for applications pending final action is as follows:

Certificate stage.....	19
Search stage.....	92
Extended time.....	22
Pending examination.....	39

Class breakdown of applications  
received:

753	agricultural	63.9%
90	flower	7.7%
335	vegetable	28.4%

Class breakdown of certificates  
issued:

464	agricultural	59.9%
54	flower	7.0%
256	vegetable	33.1%

Certificates have been issued in 53 crops. The greatest number of certificates were issued in the following crops:

soybean	168	marigold	20	tobacco	11
pea	90	ryegrass	15	China aster	10
wheat	84	barley	14	nasturtium	9
cotton	77	oat	12	rice	9
bean	77	fescue	12	alfalfa	9
lettuce	41	bluegrass	11	peanut	7



RECOMMENDATION ON FEES IN RELATION TO COOPERATION IN EXAMINATION

adopted by the Council at its fourteenth ordinary session

The Council of the International Union for the Protection of New Varieties of Plants,

By virtue of Article 21(h) of the International Convention for the Protection of New Varieties of Plants (hereinafter referred to as "the Convention"),

Having regard to Article 30(2) of the Convention,

Having regard to the agreements on cooperation in examination already concluded between member States on the basis of the UPOV Model Agreement for International Cooperation in the Testing of Varieties,

Considering it of the utmost importance that cooperation in examination be based on a uniform and clearly defined system of fees and considerations,

Considering that the experience of cooperation in examination acquired on the basis of the aforesaid agreements makes it desirable to replace the Resolution on Fee Questions adopted during its seventh ordinary session, in October 1973 (document UPOV/C/VII/23), by the following,

Recommends to the member States of the Union that they establish or amend, as the case may be, their national plant variety protection legislation or practice, on the one hand, and the agreements on cooperation in examination, on the other hand, in accordance with the following principles.

(1) Where the authority of one member State of the Union ("Authority B") takes over an examination report established by the authority of another member State of the Union ("Authority A") for the purposes of its own procedure or of a procedure before a third authority:

(a) Authority B shall pay a fixed consideration equivalent to 350 Swiss francs to Authority A;

(b) in the State of Authority B, the applicant for the protection of the variety to which the examination report relates

(i) shall be exempted from the examination fee, and

(ii) shall be charged an administrative fee which shall at least correspond to the consideration referred to in subparagraph (a) above.

(2) Where Authority A conducts an examination at the request of Authority B:

(a) Authority B shall pay to Authority A a consideration equal to the appropriate examination fee payable in the State of Authority A;

(b) in the State of Authority B, the applicant for the protection of the variety to which the examination report relates shall be charged an amount which shall, as far as possible, correspond to the consideration referred to in subparagraph (a) above.

(3) Member States of the Union shall, as a target fee at least for the economically most important genera and species, fix the fee for the national examination period of two years or growing cycles at an amount corresponding to about 1350 Swiss francs unless special reasons justify the fixing of a different fee level.

## RECOMMANDATION SUR LES TAXES EN RAPPORT AVEC LA COOPERATION EN MATIERE D'EXAMEN

adoptée par le Conseil à sa quatorzième session ordinaireLe Conseil de l'Union internationale pour la protection des obtentions végétales,

Conformément à l'article 21.h) de la Convention internationale pour la protection des obtentions végétales (ci-après dénommée "la Convention");

Considérant l'article 30.2) de la Convention;

Considérant les accords de coopération en matière d'examen déjà conclus entre les Etats membres sur la base de l'Accord type de l'UPOV pour la coopération internationale en matière d'examen des variétés;

Considérant qu'il est d'une importance majeure que la coopération en matière d'examen soit fondée sur un système de taxes et de rémunérations uniforme et clairement défini;

Considérant que l'expérience de la coopération en matière d'examen acquise sur la base des accords précités rend souhaitable de remplacer la Résolution relative aux questions de taxes adoptée à sa septième session ordinaire en octobre 1973 (document UPOV/C/VII/23) par la suivante;

Recommande aux Etats membres de l'Union d'établir ou de modifier, selon le cas, leur législation ou leur procédure en matière de protection des obtentions végétales, d'une part, et les accords de coopération en matière d'examen, d'autre part, conformément aux principes suivants :

1) Lorsque l'autorité d'un Etat membre de l'Union ("Autorité B") reprend un rapport d'examen établi par l'autorité d'un autre Etat membre de l'Union ("Autorité A") aux fins de sa propre procédure ou de la procédure devant une tierce autorité :

a) l'Autorité B paie une rémunération d'un montant déterminé correspondant à 350 francs suisses à l'Autorité A;

b) dans l'Etat de l'Autorité B, le demandeur de protection pour la variété faisant l'objet du rapport d'examen :

i) est exempté de la taxe d'examen et

ii) acquitte une taxe administrative qui correspond au moins à la rémunération mentionnée à l'alinéa a) ci-dessus.

2) Lorsque l'Autorité A effectue un examen à la demande de l'Autorité B :

a) l'Autorité B paie à l'Autorité A une rémunération égale à la taxe d'examen appropriée perçue dans l'Etat de l'Autorité A;

b) dans l'Etat de l'Autorité B, le demandeur de protection pour la variété faisant l'objet du rapport d'examen acquitte un montant qui correspond, autant que possible, à la rémunération mentionnée à l'alinéa a) ci-dessus.

3) Les Etats membres de l'Union fixent, comme taxe indicative au moins pour les genres et espèces les plus importants du point de vue économique, la taxe pour l'examen national d'une durée de deux ans ou de deux cycles de végétation à un montant correspondant à environ 1350 francs suisses, à moins que des circonstances particulières ne justifient un montant différent.

EMPFEHLUNG ZUR FRAGE DER GEBÜHREN,  
DIE SICH AUF DIE ZUSAMMENARBEIT BEI DER PRÜFUNG BEZIEHEN

vom Rat auf seiner vierzehnten ordentlichen Tagung angenommen

Der Rat des Internationalen Verbands zum Schutz von Pflanzenzüchtungen,

Kraft Artikel 21 Buchstabe h) des Internationalen Übereinkommens zum Schutz von Pflanzenzüchtungen (nachstehend als "Übereinkommen" bezeichnet),

Im Hinblick auf Artikel 30 Absatz (2) des Übereinkommens,

Im Hinblick auf die Vereinbarungen über die Zusammenarbeit bei der Prüfung, die bereits zwischen Verbandsstaaten auf der Grundlage der UPOV-Mustervereinbarung für die Internationale Zusammenarbeit bei der Prüfung von Sorten geschlossen worden sind,

In der Erwägung, dass es äusserst wichtig ist, dass sich die Zusammenarbeit bei der Prüfung auf ein einheitliches und klar umrissenes System von Gebühren und Entgelten stützt,

In der Erwägung, dass die Erfahrung, die im Rahmen der Zusammenarbeit bei der Prüfung auf der Grundlage der vorgenannten Vereinbarungen erworben wurde, es wünschenswert erscheinen lässt, den vom Rat während seiner siebten ordentlichen Tagung im Oktober 1973 angenommenen Beschluss in Gebührenfragen (Dokument UPOV/C/VII/23) durch folgende Empfehlung zu ersetzen,

Empfiehl den Verbandsstaaten, ihre nationale Sortenschutzgesetzgebung oder -praxis auf der einen Seite und die Vereinbarungen über die Zusammenarbeit bei der Prüfung auf der anderen Seite in Übereinstimmung mit den folgenden Grundsätzen auszugestalten oder abzuändern.

(1) Übernimmt das Amt eines Verbandsstaats ("Amt B") einen Prüfungsbericht, den das Amt eines anderen Verbandsstaats ("Amt A") für Zwecke seines eigenen Verfahrens oder eines Verfahrens vor einem dritten Amt ausgearbeitet hat, so gilt folgendes:

a) Amt B zahlt an Amt A ein festes Entgelt in Höhe eines Betrags, der rund 350 Schweizer Franken entspricht.

b) Im Staat des Amtes B wird der Anmelder, der um Schutz für die Sorte nachsucht, auf die sich der Prüfungsbericht bezieht,

(i) von der Zahlung der Prüfungsgebühr befreit und

(ii) mit einer Verwaltungsgebühr belastet, die wenigstens dem in Unterabsatz a) oben erwähnten Entgelt entspricht.

(2) Führt Amt A auf Verlangen des Amtes B die Prüfung durch, so gilt folgendes:

a) Amt B zahlt an Amt A ein Entgelt, das der in Betracht kommenden Prüfungsgebühr entspricht, die im Staat des Amtes A erhoben wird;

b) Im Staat des Amtes B wird von dem Anmelder, der um Schutz für diese Sorte nachsucht, auf die sich der Prüfungsbericht bezieht, ein Betrag erhoben, der so weit wie möglich dem in Unterabsatz a) erwähnten Entgelt entspricht.

(3) Die Verbandsstaaten setzen für eine normale Prüfungsdauer von zwei Jahren oder Vegetationsperioden wenigstens für die wichtigsten Gattungen und Arten eine Richtgebühr fest, die ungefähr 1.350 Schweizer Franken entspricht, sofern nicht besondere Gründe die Festsetzung eines unterschiedlichen Gebühreenniveaus rechtfertigen.

UPOV MODEL AGREEMENT  
FOR INTERNATIONAL COOPERATION  
IN THE TESTING OF VARIETIES\*

as amended by the Council at its fourteenth ordinary session

Article 1

Authority A agrees to carry out, at the request of Authority B, the technical work associated with the testing of new varieties in respect of applications for plant breeders' rights filed with Authority B for the species listed in the Annex to this Agreement.

Article 2

By agreement between Authority A and Authority B, species may be added to those listed in the Annex.

Article 3

Where Guidelines for the conduct of tests have been adopted, by the Council of UPOV, the testing shall be conducted according to such Guidelines. Where no such Guidelines have been adopted, the two Authorities shall agree on the methods to be applied for the conduct of the tests and on any changes to be made in those methods.

Article 4

(1) For each variety, Authority A shall submit to Authority B reports after each testing period and a final examination report.

(2) On submitting its final report, Authority A will state whether in its opinion the variety may be regarded as distinct, homogeneous and stable. If the opinion is that the variety is distinct, homogeneous and stable, the variety description will also be given.

(3) Reports and descriptions shall be written in one of the three official UPOV languages--English, French and German--on the understanding that Authority A shall be entitled to choose among these languages.

Article 5

Authority A shall be entitled to seek the advice of technical experts or panels of experts.

Article 6

Authority A shall give access to the tests and to all details concerning the tests only to the applicant, his accredited agent and persons duly authorized by Authority B. Where any test was or is carried out under a similar agreement, also for the purposes of an authority other than Authority B, access shall likewise be granted in accordance with the rules applicable by such other authority.

Article 7

Authority A undertakes to maintain a reference collection of varieties of the species listed in the Annex or to procure such material of those varieties as may be required for purposes of comparison.

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\* Original version published in UPOV Newsletter No. 3, page 6, and in UPOV Newsletter No. 4, page 28.

Article 8

Authority A shall take all reasonable steps to safeguard the propagating material provided under this Agreement by Authority B or pursuant to the instructions of Authority B and material derived therefrom. Authority A shall not furnish such propagating material or material derived therefrom to third persons except with the specific authorization of Authority B.

Article 9

Authority B shall pay to Authority A the amount of the fee payable in the State of Authority A for testing a variety for distinctness, homogeneity and stability. Payments shall become due following the receipt of test reports, whether interim or final, and will be made by Authority B within (time to be agreed upon by the two authorities) of receiving the account from Authority A.

Article 10

If apart from the normal testing and reporting arrangements the services of an expert or experts are required by Authority B, Authority A undertakes to make available such services at the expense of Authority B.

Article 11

Details arising out of this Agreement, including application forms, technical questionnaires, seed requirements and the form of reports and descriptions, shall be settled between the two Authorities.

Article 12\*

With the exception of the provisions of the first sentence of Article 9, the provisions of this Agreement shall apply *mutatis mutandis* where Authority A submits to Authority B, at the latter's request, reports on and a description of a variety of a species, whether or not it is listed in the Annex, for which reports and a description are already available or in preparation. In such a case, Authority B shall pay to Authority A a consideration of (amount to be agreed upon by the two authorities in accordance with the Recommendation on Fees in Relation to Cooperation in Examination).

Article 13

The provisions of this Agreement shall apply also for purposes other than the protection of new varieties of plants in so far as the tests undertaken are comparable to those conducted for the purpose of the protection of plant breeders' rights.

Article 14

This Agreement shall enter into force on . . . . . (and shall be regarded as a memorandum for guidance for any cases dealt with, or in the course of being dealt with, before that date).

Article 15

Proposals for the amendment or revocation of this Agreement may be made by either of the Authorities. It is understood, however, that (a) neither Authority shall seek to revoke the Agreement as a whole or for a species listed in the Annex without giving two years' notice to the other Authority and that the first Authority shall enter into consultation with the other Authority before serving such notice, and that (b) if the application of the Agreement to a species listed in the Annex is revoked, the tests initiated on a variety of that species prior to the revocation shall be finalized and reported on by Authority A.

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\* Amendments underlined.

ACCORD TYPE DE L'UPOV POUR LA COOPERATION  
INTERNATIONALE EN MATIERE D'EXAMEN  
DES VARIETES\*

modifié par le Conseil à sa quatorzième session ordinaire

Article 1

L'Autorité A convient d'effectuer, à la demande de l'Autorité B et pour les espèces figurant sur la liste jointe en annexe au présent Accord, la partie technique de l'examen des variétés nouvelles relative aux demandes de droits d'obten- teurs déposées auprès de l'Autorité B.

Article 2

D'un commun accord entre l'Autorité A et l'Autorité B, des espèces supplé- mentaires peuvent être ajoutées à celles figurant à l'annexe.

Article 3

Dans les cas où des Principes directeurs pour la conduite de l'examen ont été adoptés, les examens sont conduits conformément à de tels Principes directeurs. Dans les cas où de tels Principes directeurs n'ont pas été adoptés, les deux auto- rités s'entendent sur les méthodes à appliquer pour la conduite des examens et sur toute modification à y apporter.

Article 4

1) Pour chaque variété, l'Autorité A soumet à l'Autorité B des rapports après chaque période d'examen et un rapport final d'examen.

2) En soumettant son rapport final, l'Autorité A émet un avis sur le carac- tère distinctif, l'homogénéité et la stabilité de la variété. Si la variété est jugée distincte, homogène et stable, la description de la variété doit être jointe au rapport.

3) Les rapports et les descriptions doivent être rédigés dans l'une des trois langues officielles de l'UPOV (anglais, français et allemand), étant entendu que le choix de la langue est à la discrétion de l'Autorité A.

Article 5

L'Autorité A peut consulter des experts techniques ou des groupes d'experts.

Article 6

L'Autorité A n'autorise l'accès aux examens et à tous les détails concernant les examens qu'au demandeur, à son mandataire accrédité et aux personnes dûment autorisées par l'Autorité B. Au cas où un examen a été ou est aussi effectué, en vertu d'un accord similaire, pour le compte d'une autorité autre que l'Autorité B, l'accès est également autorisé conformément aux règles applicables par cette autre autorité.

Article 7

L'Autorité A s'engage à maintenir une collection de variétés de référence pour les espèces figurant en annexe ou à se procurer du matériel de ces variétés dans le but d'effectuer des comparaisons.

\* Version initiale publiée dans UPOV Newsletter No. 4, p. 30.

#### Article 8

L'Autorité A prend toutes les mesures raisonnables pour sauvegarder le matériel de reproduction ou de multiplication fourni par l'Autorité B ou remis conformément aux instructions de l'Autorité B et le matériel issu du matériel précité. A moins que l'Autorité B ne l'y autorise expressément, l'Autorité A n'est pas habilitée à fournir à des tiers du matériel de reproduction ou de multiplication ou du matériel qui en est issu.

#### Article 9

L'Autorité B doit payer à l'Autorité A le montant de la taxe exigible dans l'Etat de l'Autorité A pour l'examen des caractères distinctifs, de l'homogénéité et de la stabilité d'une variété. Le paiement est exigible après la réception des rapports d'examen et doit être effectué par l'Autorité B dans un délai de [durée à définir d'entente entre les deux autorités] suivant la réception du décompte adressé par l'Autorité A.

#### Article 10

L'Autorité A convient de mettre à la disposition de l'Autorité B, aux frais de cette dernière, les services d'un ou de plusieurs experts, si l'Autorité B le demande en plus des arrangements usuels pour les examens et les rapports.

#### Article 11

Les détails relatifs à l'application du présent Accord, notamment toutes dispositions ayant trait aux formulaires de demandes, aux questionnaires techniques, aux conditions prescrites en ce qui concerne les semences et à la présentation des rapports et des descriptions, sont fixés d'entente entre les deux autorités.

#### Article 12\*

A l'exception des dispositions de la première phrase de l'article 9, les dispositions du présent accord s'appliquent aussi, *mutatis mutandis*, au cas où l'Autorité A soumet à l'Autorité B, à la demande de cette dernière, des rapports et une description relatifs à toute variété d'une espèce figurant ou non à l'annexe et pour laquelle des rapports et une description sont disponibles ou en préparation. Dans ce cas, l'Autorité B doit payer à l'Autorité A une rémunération d'un montant de [montant à définir d'entente entre les deux Autorités conformément à la Recommandation sur les taxes en rapport avec la coopération en matière d'examen].

#### Article 13

Les dispositions du présent Accord s'appliquent aussi à d'autres fins que la protection des obtentions végétales, dans la mesure où les examens entrepris sont comparables à ceux effectués dans le but de protéger les droits des obtenteurs.

#### Article 14

Le présent Accord entrera en vigueur le .... [et sera considéré comme un modèle à suivre pour tous les cas traités ou en voie de l'être avant cette date].

#### Article 15

Chacune des deux autorités peut proposer la modification ou la résiliation du présent Accord. Il est toutefois entendu a) qu'aucune des deux autorités ne demandera la résiliation de cet Accord dans sa totalité ou pour une espèce figurant en annexe, sans donner un préavis de deux ans à l'autre autorité et que la première autorité consultera l'autre autorité avant de donner le préavis et b) que si les dispositions de l'Accord sont résiliées pour une espèce figurant à l'annexe, l'Autorité A terminera les examens entrepris à l'égard d'une variété de cette espèce avant la résiliation et remettra les rapports correspondants.

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\* Les modifications sont soulignées.

UPOV-MUSTERVEREINBARUNG  
FÜR DIE INTERNATIONALE ZUSAMMENARBEIT  
BEI DER PRÜFUNG VON SORTEN\*

Vom Rat auf seiner vierzehnten ordentlichen  
Tagung geänderte Fassung

Artikel 1

Amt A übernimmt es auf Verlangen des Amtes B die technische Arbeit im Zusammenhang mit der Prüfung neuer Sorten für Sortenschutzanmeldungen durchzuführen, die bei dem Amt B für die Arten eingereicht werden, die in der Anlage zu dieser Vereinbarung aufgezählt sind.

Artikel 2

Durch Vereinbarung zwischen Amt A und Amt B können den in der Anlage aufgeführten Arten weitere Arten hinzugefügt werden.

Artikel 3

Soweit Richtlinien für die Durchführung der Prüfung vom Rat angenommen sind, wird die Prüfung gemäss diesen Richtlinien durchgeführt. Soweit solche Richtlinien nicht angenommen sind, einigen sich die beiden Ämter über die Methoden, die für die Durchführung der Prüfungen anzuwenden sind, sowie über jegliche Änderungen, die sie zu diesen Methoden vornehmen wollen.

Artikel 4

1) Für jede Sorte übermittelt Amt A dem Amt B Berichte nach jeder Prüfungsperiode und einen abschliessenden Prüfungsbericht.

2) Bei der Übermittlung des abschliessenden Berichts teilt Amt A mit, ob nach seiner Meinung die Sorte als unterscheidbar, homogen und beständig angesehen werden kann. Hält es die Sorte für unterscheidbar, homogen und beständig, so erstellt es auch eine Sortenbeschreibung.

3) Berichte und Beschreibungen sind in einer der drei amtlichen UPOV Sprachen - englisch, französisch und deutsch - abzufassen, wobei Amt A berechtigt ist, zwischen diesen Sprachen zu wählen.

Artikel 5

Amt A ist berechtigt, den Rat technischer Experten oder Expertengruppen einzuholen.

Artikel 6

Amt A gewährt nur dem Anmelder, seinem beglaubigten Vertreter oder Personen, die von Amt B ordnungsgemäss hierzu ermächtigt worden sind, Zugang zu den Prüfungen und zu allen Einzelheiten, die die Prüfung betreffen. Soweit eine Prüfung im Rahmen einer vergleichbaren Vereinbarung auch für ein anderes Amt als das Amt B durchgeführt worden ist oder wird, kann Zugang gemäss den von diesem anderen Amt angewandten Regeln gewährt werden.

Artikel 7

Amt A übernimmt es, eine Vergleichssammlung von Sorten der in der Anlage aufgeführten Arten aufrechtzuerhalten oder Material von diesen Sorten, das für Vergleichszwecke nützlich ist, zu beschaffen.

\* Ursprüngliche Fassung in UPOV Newsletter Nr. 4, Seite 32, veröffentlicht



### Artikel 8

Amt A unternimmt alle vertretbaren Schritte, um das Vermehrungsmaterial, das nach dieser Vereinbarung von Amt B oder gemäss den Anweisungen des Amtes B eingereicht worden ist, sowie alles Material, das daraus entwickelt worden ist, zu sichern. Amt A liefert solches Material oder Material, das daraus entwickelt worden ist, nicht an Dritte, ausser auf Grund einer besonderen Ermächtigung des Amtes B.

### Artikel 9

Amt B zahlt dem Amt A den Betrag der Gebühr, die in dem Staat des Amtes A für die Prüfung einer Sorte auf Unterscheidbarkeit, Homogenität und Beständigkeit erhoben wird. Zahlungen werden nach Erhalt der Prüfungsberichte, seien es Zwischenberichte oder abschliessende Berichte, fällig und werden von dem Amt B innerhalb [Frist ist zwischen den beiden Ämtern zu vereinbaren] nach Erhalt der Abrechnung des Amtes A geleistet.

### Artikel 10

Werden abgesehen von den üblichen Tätigkeiten der Prüfung und der Berichterstattung die Dienste eines Sachverständigen oder von Sachverständigen von Amt B angefordert, so übernimmt es das Amt A, diese Dienste auf Kosten des Amtes B zur Verfügung zu stellen.

### Artikel 11

Einzelheiten, die sich aus dieser Vereinbarung ergeben, einschliesslich der Anmeldeformulare, der technischen Fragebogen, der Anforderung von Saatgut und der Form der Berichte und Beschreibungen, werden zwischen den beiden Ämtern vereinbart.

### Artikel 12\*

Diese Vereinbarung ist mit Ausnahme von Artikel 9 Satz 1 entsprechend anwendbar, wenn Amt A dem Amt B auf Verlangen des letztgenannten Amtes Berichte über eine Sorte und die Beschreibung einer Sorte übermittelt, für die Berichte und eine Beschreibung schon zur Verfügung stehen oder ausgearbeitet werden, unabhängig davon, ob die Art, der die Sorte zuzuordnen ist, in der Anlage aufgeführt ist oder nicht. In einem solchen Falle zahlt Amt B an Amt A ein Entgelt von (der Betrag ist von den beiden Ämtern in Übereinstimmung mit der Empfehlung zur Frage der Gebühren, die sich auf die Zusammenarbeit bei der Prüfung beziehen, festzusetzen)."

### Artikel 13

Diese Vereinbarung ist auch anwendbar für andere Zwecke als den Schutz neuer Pflanzensorten, soweit die durchgeführten Prüfungen denen vergleichbar sind, die für Zwecke des Schutzes von Pflanzenzüchtungen durchgeführt werden.

### Artikel 14

Diese Vereinbarung tritt am . . . . . in Kraft [und ist als Richtlinie für alle Fälle anzusehen, die vor diesem Zeitpunkt behandelt worden sind oder sich im Stadium der Behandlung befinden].

### Artikel 15

Vorschläge für die Änderung und für die Aufhebung dieser Vereinbarung können von jedem Amt gemacht werden. Es besteht jedoch Einverständnis darüber, dass a) kein Amt um Aufhebung der Vereinbarung insgesamt oder für eine in der Anlage aufgeführten Art nachsuchen wird, ohne dies dem anderen Amt zwei Jahre vorher anzuzeigen, und dass das erstgenannte Amt mit dem anderen Amt in Konsultationen eintritt, bevor es eine solche Anzeige übermittelt, sowie dass b), wenn die Anwendung der Vereinbarung auf eine bestimmte in der Anlage aufgeführte Art aufgehoben wird, die Prüfungen, die zu einer Sorte dieser Art bereits vor der Aufhebung eingeleitet worden sind, zu Ende geführt werden und hierüber dem Amt A Berichte übermittelt werden.

\* Änderungen unterstrichen

UPOV MODEL FORM FOR THE INTERIM REPORT ON THE EXAMINATION OF A VARIETY  
 FORMULAIRE TYPE DE L'UPOV POUR LE RAPPORT INTERIMAIRE SUR L'EXAMEN D'UNE VARIETE  
 UPOV-MUSTERFORMBLATT FÜR ZWISCHENBERICHTE ÜBER DIE PRÜFUNG EINER SORTE

Requesting authority Autorité qui a demandé l'examen Beauftragende Behörde	Application number Numéro de la demande Anmelde­nummer
Reporting authority Autorité qui a effectué l'examen Berichtende Behörde	Reference number Numéro de référence Bezugsnummer

1. Species (common and Latin name) Espèce (nom commun et nom latin) Art (landesübliche und botanische Bezeichnung)
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2. Proposed denomination/Breeder's reference Dénomination proposée/Référence de l'obtenteur Vorgeschlagene Sortenbezeichnung/Anmeldebezeichnung
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3. Testing station Station d'examen Prüfungsstation	4. Site(s) and year of tests Lieu(x) et année d'examen Prüfungsort(e) und -jahr
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5.	<input type="checkbox"/> No plant material received/Pas de matériel végétal reçu/ Kein Pflanzenmaterial eingegangen
6.	<input type="checkbox"/> Requirements for plant material not met/Conditions requises pour le matériel végétal non respectées/Pflanzenmaterial entsprach nicht den Voraussetzungen
7.	<input type="checkbox"/> Tests failed/Les essais ont échoué/Prüfungen fehlgeschlagen
Observations/Bemerkungen:	

8. Results of the examination/Résultats de l'examen/Ergebnisse der Prüfung

No remarks/Pas de remarques/Keine Bemerkungen

Remarks/Remarques/Bemerkungen

The final examination report will be forwarded on/in (approximate date)  
Le rapport d'examen final vous sera envoyé le/dans (date approximative)  
Der endgültige Prüfungsbericht wird übermittelt werden am/im (ungefährer Zeitpunkt)

Note: The above interim report does not prejudice the final report.

Note: Le rapport intérimaire ci-dessus ne préjuge pas du rapport final.

Bemerkung: Der vorstehende Zwischenbericht greift dem abschliessenden Bericht nicht vor.

Place and date/Lieu et date/Ort und Datum

Signature/Unterschrift:

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First Session of the Subgroup of the Administrative and Legal Committee, June 1980

Twenty-Second Session of the Consultative Committee, October 1980

Fourteenth Ordinary Session of the Council, October 1980

Sixteenth Session of the Technical Committee, November 1980

Sixth Session of the Administrative and Legal Committee, November 1980

See "The International Union for the Protection of New Varieties of Plants in 1980," starting on page 2 of this issue.

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INFORMATION FROM MEMBER STATES

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United Kingdom: Ratification of the Additional Act of November 10, 1980

See "The International Union for the Protection of New Varieties of Plants in 1980," page 2 of this issue.

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INFORMATION FROM NON-MEMBER STATES

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New Zealand: Ratification of the Revised Act of October 23, 1978, of the UPOV Convention

See "The International Union for the Protection of New Varieties of Plants in 1980," page 2 of this issue.

United States of America: Acceptance of the Revised Act of October 23, 1978, of the UPOV Convention

See "The International Union for the Protection of New Varieties of Plants in 1980," page 2 of this issue.

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PUBLICATIONS BY THE OFFICE OF THE UNION

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Official Text of the Convention in Italian

The Office of the Union has issued UPOV publication 293(I) which contains:

(i) an improved official translation in the Italian language of the Convention of December 2, 1961, and of the Additional Act of November 10, 1972;

(ii) the official text in the Italian language of the Revised Act of October 23, 1978, of the Convention.

That publication may be obtained from the Office of the Union at a cost of 4 Swiss francs per copy, surface mail postage paid.

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CALENDAR

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1981

UPOV Meetings

May 6 Geneva	Consultative Committee
May 6 to 8 Geneva	Administrative and Legal Committee
June 23 to 25 Edinburgh (United Kingdom)	Technical Working Party for Agricultural Crops
September 22 to 25 Wageningen (Netherlands)	Technical Working Party for Fruit Crops
October 6 to 8 Antibes (France)	Technical Working Party for Ornamental Plants
October 13 Geneva	Consultative Committee
October 14 to 16 Geneva	Council
November 9 to 11 Geneva	Technical Committee
November 11 to 13 Geneva	Administrative and Legal Committee

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Headquarters

UPOV has its headquarters in Geneva,  
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