



This publication has been scanned from a paper copy and may have some discrepancies from the original publication.

---

Cette publication a été numérisée à partir d'une copie papier et peut contenir des différences avec la publication originale.

---

Diese Veröffentlichung wurde von einer Papierkopie gescannt und könnte Abweichungen von der originalen Veröffentlichung aufweisen.

---

Esta publicación ha sido escaneada a partir de una copia en papel y puede que existan divergencias en relación con la publicación original.

# PLANT VARIETY PROTECTION

Gazette and Newsletter  
of the  
International Union for the Protection of New Varieties of Plants (UPOV)

No. 70

February 1993

Geneva

CONTENTS

Page

## GAZETTE

1978 Act

Czech Republic: Declaration of Continued Application .....	2
Slovakia: Declaration of Continued Application .....	2

Extension of Protection to Further Genera and Species

Denmark .....	2
Ireland .....	3
Israel .....	5
United Kingdom .....	12

## NEWSLETTER

Member States

Denmark: Modification of Fees .....	13
Italy: Modification of Fees .....	14

UPOV

The International Union for the Protection of New Varieties of Plants in 1992 .....	15
Membership of the Union (as of February 1, 1993) .....	27
Statistics on Plant Variety Protection from 1987 to 1991 .....	30

Non-Member States

Argentina: Law No. 20247/73 on Seed and Phyto-genetic Creations .....	33
Argentina: Implementing Decree No. 2183/91 to the Law on Seed and Phyto-genetic Creations .....	45

General Study

Transgenic Varieties: A Challenge for Official Variety Testing (by Dirk Böringer, President of the Federal Plant Variety Office of Germany .....	61
--	----

Calendar .....	66
----------------	----

**GAZETTE**

---

1978 ACT

---

**Czech Republic: Declaration of Continued Application**

On January 12, 1993, the Government of the Czech Republic deposited with the Secretary-General of the International Union for the Protection of New Varieties of Plants (UPOV) a Declaration to the effect that the 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, would continue to be applicable to the Czech Republic.

**Slovakia: Declaration of Continued Application**

On January 12, 1993, the Government of Slovakia deposited with the Secretary-General of the International Union for the Protection of New Varieties of Plants (UPOV) a Declaration to the effect that the 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, would continue to be applicable to Slovakia.

---

**EXTENSION OF PROTECTION TO FURTHER GENERA AND SPECIES**

---

**Denmark**

According to an announcement made in the Danish Gazette for Plant Varieties published on October 15, 1992, protection was extended to varieties for pot plants of *Hibiscus rosa-sinensis* and its hybrids, with effect from August 27, 1992, under the designation "Malvaceae p.p."

The list of the taxa covered by plant variety protection in Denmark was reproduced in Plant Variety Protection No. 67, starting on page 2.

Ireland

By virtue of the Plant Varieties (Proprietary Rights) (Amendment) Regulations, 1992, issued on February 10, 1992 (Statutory Instrument No. 35 of 1992), protection was extended, with effect from the same date, to the following (the Latin and English names appear in the Regulations, whereas the French and German common names have been added, without guarantee of concordance, by the Office of the Union):

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Choisya H.B.K.	Mexican Orange	Oranger du Mexique	Orangenblume
Hebe Comm. ex Juss.	Shrubby Speedwell, Shrubby Veronica	Véronique	Strauchveronika

The duration of protection was set at 20 years for the above-mentioned taxa.

Pursuant to Section 5(1)(c) of the Plant Varieties (Proprietary Rights) Act, 1980 (see Plant Variety Protection No. 32 (February 1983), page 25), applicants who are citizens or nationals of or are resident or have a place of business (being a business whose activities consist of or include the sale or propagation of plants) in a UPOV member State may obtain protection in Ireland under the same conditions as Irish citizens.

A consolidated list of the taxa now covered by plant variety protection legislation is given below, with the relevant duration of protection.

**List of Taxa covered by Plant Variety Protection in Ireland (with effect from February 10, 1992)**

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>Period of Protection (in Years)</u>
Agrostis tenuis Sibth.	Brown Top	Agrostide commune	Rotes Straussgras	20
Avena sativa L.	Oats	Avoine	Hafer	15
Beta vulgaris L. ssp. vulgaris var. alba DC.	Fodder Beet	Betterave fourragère	Runkelrübe	20
Betula L.	Birch	Bouleau	Birke	20
Brassica napus L. var. napobrassica Peterm.	Swede	Chou-navet, Rutabaga	Kohlrübe	20
Brassica napus L. ssp. oleifera (Metzg.) Sinsk	Swede Rape	Colza	Raps	20

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>Period of Protection (in Years)</u>
Brassica oleracea L. convar. acephala (DC.)	Fodder Kale	Chou fourrager	Futterkohl	20
Choisya H.B.K.	Mexican Orange	Oranger du Mexique	Orangenblume	20
Dactylis glomerata L.	Cocksfoot	Dactyle	Knaulgras	20
Escallonia laevis L.	Escallonia	Escallonia	Escallonia	20
Festuca rubra L.	Red Fescue	Fétuque rouge	Rotschwengel	20
Fragaria L.	Strawberry	Fraisier	Erdbeere	20
Hebe Comm. ex Juss.	Shrubby Speedwell, Shrubby Veronica	Véronique	Strauchveronika	20
Hordeum vulgare L.	Barley	Orge	Gerste	15
Linum usitatissimum L.	Flax, Linseed	Lin	Lein	20
Lolium x hybridum Hausskn.	Hybrid Ryegrass	Ray-grass hybride	Bastardweidelgras, Oldenburgisches Weidelgras	20
Lolium multiflorum Lam.	Italian Ryegrass	Ray-grass d'Italie	Welsches Weidelgras, Italiensisches Raygras	20
Lolium perenne L.	Perennial Ryegrass	Ray-grass anglais	Deutsches Weidelgras	20
Lupinus albus L.	White Lupin	Lupin blanc	Weisse Lupine	20
Lupinus angustifolius L.	Blue Lupin	Lupin bleu	Blaue Lupine	20
Lupinus luteus L.	Yellow Lupin	Lupin jaune	Gelbe Lupine	20
Malus Mill.	Apple	Pommier	Apfel	20
Phleum pratense L.	Timothy	Fléole des prés	Wiesenslieschgras	20
Pisum sativum L. (partim)	Field Pea	Pois fourrager	Futtererbse	20
Potentilla fruticosa L.	Shrubby Cinquefoil	Potentille ligneuse	Strauchfingerkraut	20

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>Period of Protection (in Years)</u>
Rosa L.	Rose	Rosier	Rose	20
Ruscus aculeatus L.	Butcher's Broom	Fragon piquant, Petit houx	Mäusedorn	20
Solanum tuberosum L.	Potato	Pomme de terre	Kartoffel	20
Trifolium pratense L.	Red Clover	Trèfle violet	Rotklee	20
Trifolium repens L.	White Clover	Trèfle blanc	Weissklee	20
x Triticosecale Wittmack	Triticale	Triticale	Triticale	15
Triticum aestivum L. emend. Fiori et Paol.	Wheat	Blé	Weizen	15
Vicia faba L. (partim)	Field Bean	Féverole	Ackerbohne	20

### Israel

By virtue of the Plant Breeders' Rights Order (Amendment to Schedule) published in Kovetz Hatakanot (Israel Official Gazette) No. 5451 of June 18, 1992, protection was extended, with effect from the same date, to the following taxa:

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Achillea L.	Milfoil, Yarrow	Achillée	Schafgarbe
Baccharis L.	Baccharis, Groundsel Tree	Baccharide	Kreuzstrauch
Glycine max. (L.) Merrill	Soya Bean, Soybean	Soja	Sojabohne
Lemnaceae S.F. Gray	Duckweed	Lemnacées	Wasserlinsengewächse
Pennisetum orientale Rich. in Pers.	Pennisetum	-	-
Streptocarpus Lindl.	Streptocarpus, Cape Primose	Streptocarpus	Streptocarpus, Drehfrucht

By virtue of the Plant Breeders' Rights Order (Amendment to Schedule) published in Kovetz Hatakanot No. 5467 of June 29, 1992, protection was extended, with effect from the same date, to the following:

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Artemisia L.	Mugwort	Armoise	Beifuss
Cupressus glabra Sudw.	Smooth-barked Arizona Cypress	-	-
Senecio L.	Groundsel, Ragwort	Séneçon	Kreuzkraut

By virtue of the Plant Breeders' Rights Order (Amendment to Schedule) published in Kovetz Hatakanot No. 5467 of August 20, 1992, protection was extended, with effect from the same date, to the following:

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Athanasia parviflora L.	Athanasia	Athanasia	Athanasia
Lobelia L.	Lobelia	Lobélie	Lobelie
Pentas lanceolata (Forsk.) K. Schum.	Pentas	Pentas	Pentas
Polygala myrtifolia L.	Polygala	Polygala	Kreuzblume

As regards the availability of protection to foreigners and the novelty condition, reference is made to Sections 3 and 71, and Section 7, respectively, of the Law on the Rights of the Breeders of Plant Varieties published in the "Legislation" subsection of Plant Variety Protection No. 47 (October 1985).

A consolidated list of taxa now covered by plant variety protection legislation is given overleaf.

**List of Taxa Covered by Plant Variety Protection Legislation in Israel (with effect from August 20, 1992)\***

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Achillea L.	Milfoil, Yarrow	Achillée	Schafgarbe
Actinidia chinensis Pl.	Kiwifruit	Actinidia, Groseille de Chine	Kiwifrucht
Allium cepa L.	Onion	Oignon	Zwiebel
Allium sativum L.	Garlic	Ail	Knoblauch

\* This list is based on a translation from the originals in Hebrew published in Reshumot (original list) and in Kovetz Hatakanot (subsequent amendments made by means of orders).

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Alocasia</i> (Schott) G. Don	Alocasia	Alocasia	Alocasia, Pfeilwurz, Tropenwurz
<i>Alstroemeria</i> L.	Alstroemeria	Alstroèmère, Lis des Incas	Inkalilie
<i>Amygdalus communis</i> L.	Almond	Amandier	Mandel
<i>Anemone</i> L.	Anemone	Anémone	Anemone, Windröschen
<i>Annona cherimola</i> Mill.; <i>A. squamosa</i> L.	<i>Annona</i> , Cherimoya; <i>Annona</i> , Sugar Apple, Sweet Sop	Chérimolier; Pommier-cannelle	"Cherimoya"; Rahmapfel, Süsssack, Zuckerapfel
<i>Anthurium</i> Schott	<i>Anthurium</i> , Tail Flower	<i>Anthurium</i>	Flamingoblume
<i>Arachis hypogaea</i> L.	Groundnut	Arachide	Erdnuss
<i>Artemisia</i> L.	Mugwort	Armoise	Beifuss
<i>Aster</i> L.	Aster	Aster	Aster
<i>Athanasia parviflora</i> L.	<i>Athanasia</i>	<i>Athanasia</i>	<i>Athanasia</i>
<i>Avena sativa</i> L.	Oat	Avoine	Hafer
<i>Averrhoa carambola</i> L.	Carambola	Carambole	Karambola
<i>Baccharis</i> L.	<i>Baccharis</i> , Groundsel Tree	Baccharide	Kreuzstrauch
<i>Begonia</i> L.	<i>Begonia</i>	Bégonia	Begonie
<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef.	Cauliflower	Chou-fleur	Blumenkohl
<i>Callistephus</i> Cass.	(China) Aster	Aster, Aster de Chine, Reine-marguerite	Sommeraster
<i>Capsicum annuum</i> L.	Sweet Pepper, Capsicum, Chili	Poivron, Piment	Paprika
<i>Carthamus tinctorius</i> L.	Safflower	Carthame, Safran bâtard	Saflor, Färberdistel
<i>Carica papaya</i> L.	Papaya, Pawpaw	Papayer, Arbre à melon	Melonenbaum, Papaya
<i>Carum carvi</i> L.	Caraway	Carvi, Cumin des prés	Kümmel



<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Carya illinoensis</i> (Wangenh.) C. Koch	Pecan Nut	Pacancier	Pekan, Pekannuss
<i>Catharanthus roseus</i> (L.) G. Don	Vinca	Catharanthus	Catharanthus
<i>Celosia pyramidalis</i>	Celosia	Célosie	Celosia
<i>Chamelaucium</i> Desf.	Geraldton Wax	Chamelaucium	Chamelaucium
<i>Chlorophytum</i> Ker.	Chlorophytum	Chlorophytum	Chlorophytum
<i>Chrysanthemum</i> L.	Chrysanthemum	Chrysanthème	Chrysantheme
<i>Cicer arietinum</i> L.	Chick-pea	Pois chiche	Kichererbse
<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai	Watermelon	Pastèque	Wassermelone
<i>Citrus</i> spec.	Citrus	Agrumes	Zitrus
<i>Cucumis melo</i> L.	Melon	Melon	Melone
<i>Cucumis sativus</i> L.	Cucumber, Gherkin	Concombre, Cornichon	Gurke
<i>Cucurbita pepo</i> L.	Pumpkin, Marrow, Courgette	Courge, Pâtisson, Citrouille	Gartenkürbis, Oelkürbis
<i>Cupressus glabra</i> Sudw.	Smooth-barked Arizona Cypress	-	-
<i>Cynara</i> spp.	Artichoke, Cardoon	Artichaut, Cardon	Artischoke, Kardone
<i>Dahlia</i> Cav.	Dahlia	Dahlia	Dahlie
<i>Dianthus</i> L.	Carnation	Oeillet	Nelke
<i>Diospyros kaki</i> L. f.	Japanese Persimmon, Kaki	Plaqueminier, Kaki	Kakipflaume
<i>Duboisia leichardtii</i> F. Moell.	Duboisia	Duboisia	Duboisie
<i>Eriobotrya japonica</i> (Thunb.) Lindl.	Loquat	Néflier du Japon	Japanische Mispel, Loquate
<i>Euphorbia fulgens</i> Karw.	Euphorbia fulgens	Euphorbia fulgens	Korallenranke
<i>Euphorbia pulcherrima</i> Willd. ex Klotzsch	Poinsettia	Poinsettia	Poinsettie, Weihnachtsstern

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Euryops virgineus (L. f.) DC.	Euryops virgineus	-	-
Feijoa sellowiana (Berg) Berg	Feijoa	Feijoa	Feijoa
Fragaria L.	Strawberry	Fraisier	Erdbeere
Freesia Klatt	Freesia	Freesia	Freesie
Gerbera L.	Gerbera	Gerbera	Gerbera
Gladiolus L.	Gladiolus	Glaïeul	Gladiole
Glycine max. (L.) Merrill	Soya Bean, Soybean	Soja	Sojabohne
Gossypium L.	Cotton	Cotonnier	Baumwolle
Gypsophila L.	Gyp, Gypsophila, Baby's Breath	Gypsophile	Gipskraut, Schleierkraut
Helianthus annuus L.	Sunflower	Tournesol, Soleil	Sonnenblume
Hibiscus L.	Hibiscus	Hibiscus	Eibisch
Hordeum vulgare L.	Barley	Orge	Gerste
Impatiens L.	Impatiens, Busy Lizzie, Balsam, Touch-me-not	Balsamine, Impatiente	Springkraut, Balsamine
Iris L.	Iris	Iris	Iris, Schwertlilie
Kalanchoë Adans.	Kalanchoë	Kalanchoë	Kalanchoë
Lachenalia Jacq. f. ex Murray	Lachenalia, Cape Cowslip	Lachenalia, Coucou du Cap	Lachenalia
Lactuca sativa L.	Lettuce	Laitue	Salat
Lemnaceae S.F. Gray	Duckweed	Lemnacées	Wasserlinsen- gewächse
Leucadendron R. Br.	Leucadendron	Leucadendron	Leucadendron
Leucospermum R. Br.	Leucospermum	Leucospermum	Leucospermum
Liatris Gaertn. ex Schreb.	Liatris, Blazing Star, Gayfeather	Liatris	Prachtscharte
Lilium L.	Lily	Lis	Lilie
Limonium Mill.	Sea Lavender, Statice	Limonium, Statice	Widerstoss, Meerlavendel

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Lisianthus L.	Lisianthus	Lisianthus	Lisianthus
Litchi sinensis Sonn.	Litchi	Litchi	Litschi
Lobelia L.	Lobelia	Lobélie	Lobelie
Lycopersicon esculentum P. Mill.	Tomato	Tomate	Tomate
Malus sylvestris Mill.	Apple	Pommier	Apfel
Mangifera indica L.	Mango	Manguier	Mango
Maranta L.	Maranta	Maranta, Dormeuse	Maranta, Pfeilwurz
Medicago hispida Gaertn.; M. sativa L.	Alfalfa (Hairy Medick and Lucerne)	Luzerne (hérissée et cultivée)	Schneckenklee (Sichelluzerne und Blaue Luzerne)
Monstera Adans.	Monstera	Monstera, Ananas du pauvre	Monstera
Musa L.	Banana	Bananier	Banane
Narcissus L.	Narcissus, Daffodil, Jonquil	Narcisse, Jonquille	Narzisse
Nicotiana tabacum L.	Tobacco (common)	Tabac	Tabak
Olea europaea L.	Olive	Olivier	Oelbaum, Olive
Opuntia ficus-indica (L.) Mill.	Barbary Fig	Figuier de Barbarie	Feigenopuntie
Orchidaceae Juss.	Orchids	Orchidées	Orchideen
Origanum L.	Sweet Marjoram	Origan	Dost
Ornithogalum spp.	Chinkerinchee, Star of Bethlehem	Ornithogale, Dame d'onze heures	Milchstern, Vogelmilch, Stern von Bethlehem
Oryzopsis holciformis (N. B.) Hack.	Oryzopsis	Petit millet, Oryzopsis, Faux-millet	Grannenhirse
Pelargonium L'Hér. ex Ait.	Pelargonium	Pelargonium	Pelargonie
Pennisetum orientale Rich. in Pers.	Pennisetum	-	-
Pentas lanceolata (Forsk.) K. Schum.	Pentas	Pentas	Pentas

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Persea americana</i> Mill.	Avocado	Avocatier	Avocado
<i>Petunia</i> Juss.	Petunia	Pétunia	Petunie
<i>Phalaris tuberosa</i> L.	Hardings Grass	Herbe de Harding, Alpiste tubéreux	Knolliges Glanzgras
<i>Phaseolus vulgaris</i> L.	French Bean	Haricot	Gartenbohne
<i>Philodendron</i> Schott corr. Schott	Philodendron	Philodendron	Philodendron
<i>Phlox</i> L.	Phlox	Phlox	Phlox, Flammenblume
<i>Piqueria</i> Cav.	Piqueria	Piqueria	Piqueria
<i>Pistacia vera</i> L.	Pistache	Pistachier	Echte Pistazie
<i>Polygala myrtifolia</i> L.	Polygala	Polygala	Kreuzblume
<i>Portulacaria</i> Jacq.	Portulacaria, Purslane Tree	Portulacaria	Strauchportulak, Speckbaum
<i>Prunus armeniaca</i>	Apricot	Abricotier	Aprikose
<i>Prunus domestica</i> L.; <i>P. salicina</i> Lindl.	Plum	Prunier	Pflaume
<i>Prunus persica</i> (L.) Batsch	Peach	Pêcher	Pfirsich
<i>Psidium guajava</i> L.	Guava	Goyavier	Guayave
<i>Pyrus communis</i> L.	Pear	Poirier	Birne
<i>Ranunculus</i> L.	Ranunculus, Buttercup	Renoncule	Hahnenfuss
<i>Raphanus sativus</i> L.	Radish	Radis	Rettich
<i>Ricinus communis</i> L.	Castorbean	Ricin	Wunderbaum, Palma Christi
<i>Rosa</i> L.	Rose	Rosier	Rose
<i>Saintpaulia ionantha</i> H. Wendl.	African Violet	Saintpaulia	Usambaraveilchen
<i>Salvia</i> L.	Sage	Sauge	Salbei
<i>Senecio</i> L.	Groundsel, Ragwort	Séneçon	Kreuzkraut
<i>Sesamum indicum</i> L.	Sesame	Sésame	Sesam
<i>Simmondsia chinensis</i> (Link) Schneid.	Jojoba	Jojoba	Jojobastrauch

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Solanum melongena L. var. esculentum Nees	Eggplant, Aubergine	Aubergine	Eierfrucht, Aubergine
Solanum tuberosum L.	Potato	Pomme de terre	Kartoffel
Solidago L.	Golden Rod	Verge d'or	Goldrute
x Solidaster Wehrh.	Solidaster	Solidaster	Solidaster
Sorghum vulgare Pers.	Sorghum	Sorgho	Mohrenhirse
Streptocarpus Lindl.	Streptocarpus, Cape Primose	Streptocarpus	Streptocarpus, Drehfrucht
Syngonium Schott	Syngonium	Syngonium	Syngonium
Trachelium Tourn.	Throatwort	Trachélie	Halskraut
Trifolium alexandrinum L.; T. berytheum Boiss.; T. repens L.; T. subterraneum L.	Clover	Trèfle	Klee
Triteleia Dougl. ex Lindl.	Triteleia	Triteleia	Triteleia
Triticum aestivum L. emend. Fiori et Paol. (T. aestivum L. ssp. vulgare (Vill., Host) Mac Kay); Triticum durum Desf.	Wheat	Blé	Weizen
Vicia faba L.	Horse Bean	Fève	Dicke Bohne
Vicia sativa L.	Common Vetch	Vesce commune	Saatwicke
Vitis L.	Vine	Vigne	Rebe
Zea mays L.	Maize	Maïs	Mais

### United Kingdom

By virtue of the Plant Breeders' Rights (Amendment) Regulations 1992 (Statutory Instrument No. 1939 of 1992) and the Plant Breeders' Rights (Miscellaneous Ornamental Plants) (Variation) Scheme 1992 (Statutory Instrument No. 1940 of 1992), protection was extended to Galtonia candicans (Bak.) Decne. with effect from August 28, 1992.

The period of protection was set at 20 years. The period for which a compulsory licence granted by the Controller shall not have effect was set at three years.

Plant breeders' rights in respect of varieties of Galtonia candicans are not extended to the production or propagation of the varieties for the purpose of selling cut blooms, foliage or stems thereof.

Plant variety protection legislation of the United Kingdom does not impose any restriction on the access by foreigners to protection on the basis of nationality or place of residence or registered office.

A list of the other taxa protected in the United Kingdom is reproduced in Plant Variety Protection No. 64, starting on page 24.

---

## NEWSLETTER

---

## MEMBER STATES

---

### Denmark: Modification of Fees

The main fees applicable for the year 1993 are as follows (in Danish Crowns):

1.	<u>Application fee</u>	2,205 kr.
	Additional payment for applications for which DUS reports are purchased (applicable only to ornamental and fruit species)	488 kr.
2.	<u>DUS testing fee</u>	
	(a) Agricultural species	
	Amenity grasses	7,165 kr. per year
	Cereals	5,625 kr. "
	Green fodder	6,355 kr. "
	Herbage crops	7,165 kr. "
	Oil seed crops	6,355 kr. "
	Pulse crops	4,270 kr. "
	Root crops	9,070 kr. "

For maize and potato varieties DUS testing is carried out, pursuant to bilateral agreements, exclusively by foreign authorities. The applicant shall pay the costs charged by the testing authorities and an administrative fee of 1,000 kr.

For the other crops, where the DUS report is purchased from a foreign authority, the applicant shall pay the above-mentioned fee or the actual expenses incurred in the purchase of the report, if the latter exceeds the former.

(b) Ornamental and fruit species

(i)	Ornamental species	
-	Glasshouse	
	First testing year	9,520 kr.
	Second or subsequent testing year	4,760 kr.
-	Outdoor	
	First testing year	7,115 kr.
	Second or subsequent testing year	3,560 kr.
(ii)	Landscape plants	
	First testing year	7,115 kr.
	Second or subsequent testing year	3,560 kr.
(iii)	Fruit species	
	First testing year (year of planting)	7,115 kr.
	Second or subsequent testing year	3,560 kr.

Where the DUS testing is carried out by a foreign authority and its report is purchased, the applicant shall pay the actual costs charged by the foreign authority. Where the DUS testing has already been carried out by a foreign authority and its report is purchased, the applicant shall pay 1,610 kr. (this rule applies only to applications filed after January 1, 1991).

(c)	Vegetable species	
-	Glasshouse	4,745 kr. per year
-	Outdoor	3,165 kr. per year

Where the DUS report is purchased from a foreign authority, the applicant shall pay 3,175 kr. per testing year or the actual expenses incurred in the purchase of the report, if the latter exceed the former. Where the DUS testing of the variety in question has already been carried out by a foreign authority and its report is purchased, the applicant shall pay 2,440 kr.

3. Annual fee during the period of protection 780 kr. per year

### Italy: Modification of Fees

By virtue of Ministerial decree of August 20, 1992, published in the Supplemento Ordinario alla Gazzetta Ufficiale No. 196 of August 21, 1992, a new tariff of fees for industrial and intellectual property was laid down with effect from August 21, 1992 (in lire).

	<u>Lire</u>
1. Application fee and fee for the power of attorney	80,000
2. Fee for publication and printing of descriptions, summary and drawings if the descriptions, summary and drawings	
(1) do not exceed 10 pages	100,000
(2) exceed 10 pages but not 20 pages	150,000
(3) exceed 20 pages but not 50 pages	350,000
(4) exceed 50 pages but not 100 pages	700,000
(5) exceed 100 pages	1,200,000

## 3. Annual maintenance fees\*

(1) First year	25,000
(2) Second year	50,000
(3) Third year	60,000
(4) Fourth year	70,000
(5) Fifth year	90,000
(6) Sixth year	130,000
(7) Seventh year	180,000
(8) Eighth year	250,000
(9) Ninth year	300,000
(10) Tenth year	350,000
(11) 11th year	500,000
(12) 12th year	700,000
(13) 13th year	800,000
(14) 14th year	900,000
(15) 15th year and subsequent years	1,100,000

## 4. Compulsory license

(1) Application of a compulsory licence	800,000
(2) Grant of a compulsory licence	2,700,000

---

\* The annual maintenance fees are halved if the applicant or holder of the patent has offered to the public a licence for non-exclusive use of the invention by announcing this publicly in the patents gazette (il bolletino dei brevetti), until the revocation of such an offer.

---

UPOV

---

**The International Union for the Protection  
of New Varieties of Plants in 1992**

**I. COMPOSITION OF THE UNION**

No change in the composition of the Union occurred during 1992. On December 31, the Union had 21 member States: Australia, Belgium, Canada, Czechoslovakia,<sup>1</sup> Denmark, France, Germany, Hungary, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Poland, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America. All are party to the 1978 Act of the International Convention for the Protection of New Varieties of Plants, with the exception of Belgium and Spain, who are party to the 1961 Act as amended by the Additional Act of 1972.

---

<sup>1</sup> Following the partition of this country and the declarations of continuation lodged with the Secretary-General by the Czech Republic and Slovakia on January 12, 1993 (see page 2 above), the Union comprised 22 member States on January 1, 1993.



The 1991 Act remained open for signature until March 31, 1992. It was signed by Ireland on February 21 and by Canada on March 9. These signatures therefore are to be added to those given in 1991 by the following 14 member States: Belgium, Denmark, France, Germany, Israel, Italy, Netherlands, New Zealand, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America.

Under Article 32(3) of the 1978 Act, "Any State which is not a member of the Union and which has not signed this Act shall, before depositing its instrument of accession, ask the Council to advise it in respect of the conformity of its laws with the provisions of this Act." Two States asked for such advice in 1992:

(i) Finland, by letter dated October 8;

(ii) Austria, by letter dated October 21, in relation with the draft plant variety protection law which the Government had submitted to Parliament.

The Council considered those requests at its twenty-sixth ordinary session and in both cases took a favorable decision, on the understanding that, in the latter case, if the law adopted on the basis of the draft should differ to any extent therefrom, the Government of Austria would again ask the Council for its advice.

The table given on pages 27 to 29 summarizes the position of the various States in relation to the various Acts of the Convention as at December 31, 1992.

## II. SESSIONS OF THE COUNCIL AND ITS SUBSIDIARY BODIES

In 1992, the various statutory bodies of UPOV held the meetings mentioned below. They took place in Geneva unless otherwise stated.

### Council

The Council held its twenty-sixth ordinary session on October 29 under the chairmanship of Mr. R. López de Haro y Wood (Spain). The session was attended by observers from 15 non-member States<sup>2</sup> and six international organizations.<sup>3</sup>

At that session, the Council took the following main decisions:

(i) It gave positive advice in respect of the conformity of the legislation of Finland with the 1978 Act.

(ii) It gave positive advice in respect of the conformity of the draft plant variety protection law of Austria with the 1978 Act.

---

<sup>2</sup> Argentina, Austria, Bolivia, Chile, Colombia, Côte d'Ivoire, Croatia, Egypt, Finland, Mexico, Norway, Portugal, Republic of Korea, Romania, Senegal.

<sup>3</sup> World Intellectual Property Organization (WIPO), Organisation for Economic Co-operation and Development (OECD), International Union for the Conservation of Nature and Natural Resources (IUCN), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), Association of Plant Breeders of the European Economic Community (COMASSO), International Federation of the Seed Trade (FIS).

(iii) On a recommendation by the Consultative Committee, which had met the previous day, it set out further detail of the principles governing the single contributions to be paid by the member States to the Working Capital Fund of the Union.

(iv) It approved the report of the Secretary-General on the activities of the Union in 1991 and the first nine months of 1992.

(v) It approved the report of the Secretary-General on his management during the 1990-91 biennium and on the financial situation of the Union as at December 31, 1991, and noted the report of the auditors for the said biennium.

(vi) It approved the progress reports on the work of its various subsidiary bodies and either drew up or approved their work plans for the coming year and, in that connection, it

(a) adopted a Declaration on the Conditions for the Examination of a Variety Based Upon Tests Carried Out by the Breeder, which constituted an updating of the text adopted in 1976,

(b) approved the setting-up of a working group to study biochemical and molecular techniques, and DNA profiling in particular,

(c) noted that the Consultative Committee had asked that further preliminary study be undertaken on the project for a central computerized data base on plant varieties and related matters.

(vii) It unanimously elected Mr. Henning Kunhardt (Germany) and Mr. H. Dieter Hoinkes (United States of America) as Chairman and Vice-Chairman, respectively, of the Administrative and Legal Committee for a term of three years to expire at the close of the twenty-ninth ordinary session of the Council, in 1995.

(viii) It unanimously elected Miss Jutta Rasmussen (Denmark) and Mr. Joël Guiard (France) as Chairman and Vice-Chairman, respectively, of the Technical Committee for the same term.

### Consultative Committee

The Consultative Committee held its forty-fifth session on October 28 under the chairmanship of Mr. R. López de Haro y Wood (Spain).

At that session, the Committee carried out a preliminary examination of the conformity of the legislation of Finland and of the draft plant variety protection law of Austria with the 1978 Act of the UPOV Convention and discussed the following matters, in particular: the status of activities funded by extrabudgetary resources and the possibility of mobilizing further human and financial resources for development cooperation activities; level of contributions to the Working Capital Fund in certain cases; possibility for States offering protection under both a plant breeders' rights system and the utility patent to adhere to the 1978 Act; possibility of setting up a central computerized data base on plant variety protection and related matters; biodiversity and plant variety protection (the implications of the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro (Brazil) in June 1992).

### Administrative and Legal Committee

The Administrative and Legal Committee held its thirtieth session on April 8 and its thirty-first session on October 26, under the chairmanship of Mr. J.-F. Prevel (France). The thirtieth session was attended by observers from six non-member States<sup>4</sup> and from the European Community (EC), and the thirty-first session by observers from seven non-member States.<sup>5</sup>

The Committee's discussions mainly concerned the implementation of the 1991 Act. At its thirtieth session, it continued its discussion of the matter of essentially derived varieties as a follow-up to the resolution adopted by the 1991 Diplomatic Conference on the establishment of relevant guidelines and also to prepare for the sixth Meeting with International Organizations (see below). It also discussed the implications of the definition of variety given in Article 1(vi) of the 1991 Act and concluded that the Act contained no provision that would prohibit the use of multivariate analysis for the examination of distinctness. At its thirty-first session, it began discussions on a series of issues for which harmonization of legislation seemed useful and desirable.

It also discussed, at both sessions, the conditions to be fulfilled by variety examination carried out by breeders and prepared the Declaration subsequently adopted by the Council; it finally reconsidered the matter of fees in relation to cooperation in examination and put in hand a revision of the Model Administrative Agreement for International Cooperation in the Testing of Varieties.

### Technical Committee

The Technical Committee held its twenty-eighth session from October 21 to 23 under the chairmanship of Mr. G. Fuchs (Germany). An observer from the European Community attended the session.

The Technical Committee adopted Test Guidelines for the following four taxa on the basis of the preparatory work done by the Technical Working Parties: Aster; cabbage (revision); Dieffenbachia; tomato (revision).

The Committee considered the progress reports on the work of the Technical Working Parties and broadly defined the future work of those working parties. It also considered questions raised by the working parties in the light of experience gained by member States in the conduct of distinctness, uniformity and stability tests on new plant varieties. It came to the conclusion, in particular, that the best manner of avoiding disparities due to the *in vitro* propagation method was to ensure that all comparable varieties under test had been propagated in accordance with the same protocol.

The Committee likewise examined the matter of setting up a central computerized data base on plant variety protection and related matters and also on the possible use of biochemical and molecular testing methods, particularly those employing DNA profiling. The Council has taken decisions on those issues (see paragraph 7(vi)(b) and (c) above).

---

<sup>4</sup> Finland, Greece, Morocco, Norway, Romania, Turkey.

<sup>5</sup> Argentina, Colombia, Finland, Greece, Norway, Republic of Korea, Romania.

### Technical Working Parties

The Technical Working Parties held the following sessions outside Geneva:

(i) The Technical Working Party for Vegetables (TWV) held its twenty-fifth session from January 15 to 17 at the Embassy of South Africa in Paris (France) and its twenty-sixth session from June 30 to July 3 in Dachwig (Germany), under the chairmanship of Mr. N.P.A. van Marrewijk (Netherlands).

(ii) The Technical Working Party on Automation and Computer Programs (TWC) held its tenth session from June 2 to 4 in Wageningen (Netherlands), under the chairmanship of Mr. K. Kristensen (Denmark).

(iii) The Technical Working Party for Agricultural Crops (TWA) held its twenty-first session from June 16 to 19 in Menstrup Kro (Denmark), under the chairmanship of Mr. M.S. Camlin (United Kingdom).

(iv) The Technical Working Party for Fruit Crops (TWF) held its twenty-third session from August 24 to September 2 in Nelspruit (South Africa), under the chairmanship of Mr. B. Spellerberg (Germany).

(v) The Technical Working Party for Ornamental Plants and Forest Trees (TWO) held its twenty-fifth session from August 27 to September 7 in Stellenbosch (South Africa), under the chairmanship of Mrs. E. Buitendag (South Africa).

The basic task of four of those working parties is to draw up Test Guidelines. In addition to the drafts submitted to the Technical Committee for adoption, they drew up further drafts for the following taxa, to be submitted to the professional organizations for comment: African violet (revision) (TWO); chick-pea; cucumber and gherkin (revision); evening primrose; French bean (revision); lettuce (revision); peas (revision); sweet pepper; watermelon (TWV).

### Meeting with International Organizations

The sixth meeting was held on October 30 with Mr. R. López de Haro y Wood (Spain), President of the Council, in the chair. The issue on the agenda was that of essentially derived varieties. The following 11 international non-governmental organizations that represent the interested circles participated in the meeting: International Association of Horticultural Producers (AIPH), International Association for the Protection of Industrial Property (AIPPI), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA), Committee of National Institutes of Patent Agents (CNIPA), Association of Plant Breeders of the European Economic Community (COMASSO), Seed Committee of the Common Market (COSEMCO), International Federation of Industrial Property Attorneys (FICPI), International Federation of the Seed Trade (FIS), International Chamber of Commerce (ICC), Union of European Practitioners in Industrial Property (UPEPI). WIPO and eight non-member States<sup>6</sup> were also represented.

---

<sup>6</sup> Argentina, Austria, Colombia, Croatia, Finland, Mexico, Portugal, Romania.

### III. SEMINARS

A Regional Seminar on the Nature of and Rationale for the Protection of Plant Varieties was held in Suweon (Republic of Korea) from November 17 to 19 for the benefit of the following States of the Asia and Pacific region: China, Indonesia, Malaysia, Philippines, Republic of Korea, Singapore, Thailand. It was organized by UPOV in cooperation with the Rural Development Administration of the Republic of Korea and the support of the Ministry of Agriculture, Forestry and Fisheries of Japan. Some 130 persons took part.

The Seminar covered the following main subjects: general aspects of plant variety protection; technical aspects of plant variety protection and the conservation of genetic resources; the plant variety and seed industry in the Republic of Korea; the point of view of users. One day was devoted to visiting a gene bank and a seed company.

### IV. RELATIONS WITH STATES AND ORGANIZATIONS

From January 11 to 13, the Vice Secretary-General participated in Stockholm (Sweden) in a Consultation on a Global System for the Security and Sustainable Use of Plant Genetic Resources, organized by the Swedish Agency for Research Cooperation with Developing Countries in cooperation with the Swedish Ministry of Foreign Affairs and the Swedish Ministry of Agriculture. On the afternoon of January 13, the Vice Secretary-General met with officials of the latter Ministry and of the Swedish Ministry of Justice.

23. From January 20 to 22, the Vice Secretary-General and Mrs. N. Bustin, Secretary-General of the French Committee for the Protection of New Plant Varieties, visited Rabat (Morocco), at the invitation of the Ministry of Agriculture and Agrarian Reform of Morocco. They participated in meetings of a commission which had prepared a draft law for the protection of plant varieties in Morocco and discussed the draft in detail with the members of the commission. They also participated in a meeting organized by the Directorate for Plant Protection, Technical Inspection and Repression of Fraud (DPVCTRF) of the Ministry of Agriculture to provide an opportunity for interested circles to comment on the draft Law, and met the Minister for Agriculture and Agrarian Reform, Mr. Otman Dennati, who suggested that the draft Law be amended so as to conform with the 1991 Act and confirmed that Morocco was prepared to host a UPOV seminar for the countries of North Africa in 1993.

From February 10 to 14, the Vice Secretary-General attended, as an observer, the second week of the Sixth Negotiation Session of the Intergovernmental Negotiation Committee for a Convention on Biological Diversity, held in Nairobi (Kenya). During his stay in that city, he had meetings with the Permanent Secretary in the Ministry of Research, Science and Technology, the Director of the Kenya Industrial Property Office (KIPO), the Deputy Director of Agriculture in the Ministry of Agriculture, the Director of the Kenya Agricultural Research Institute and with representatives of the Kenya Seed Trade Association. His visit provided an opportunity to discuss arrangements for the UPOV seminar which is to be held in Nairobi in May 1993.

On February 21, Mr. John F. Swift, Ambassador and Permanent Representative of Ireland in Geneva, visited the Secretary-General to sign the 1991 Act of the UPOV Convention.

On February 25, the Office of the Union commented by letter on a draft Norwegian law for the protection of plant varieties which was expected to be introduced in the Storting, the Norwegian Parliament, in the course of 1992.

On March 4, the Office of the Union received a letter from the Minister for Agriculture of Slovenia seeking information concerning the procedure for accession to the UPOV Convention.

On March 9, Mr. Paul Dubois, Deputy Permanent Representative of Canada in Geneva, visited the Office of the Secretary-General to sign the 1991 Act of the UPOV Convention on behalf of Canada.

On March 11, the Vice Secretary-General and officials of the Office of the Union participated, in an observer capacity, in a meeting of the Intellectual Property Rights Group of ASSINSEL in Amsterdam (Netherlands), which discussed the subject of essentially derived varieties.

On March 16, the Vice Secretary-General visited Sofia (Bulgaria) in order to discuss a draft law for the protection of plant varieties and animal breeds. He visited the Institute of Inventions and Rationalizations, where he had discussions with its Director-General, Dr. Kristo Iliev, and the Ministry of Agriculture, where he had discussions with the Vice-Ministers of Agriculture, Mr. Vladislav Rostov and Mr. Nikola Nikolov, with Mrs. Polina Stefanova, Director General of the Agriculture and Horticulture Department, and Dr. Dimitar Cheleev, Director of the State Variety Testing Commission. On March 17, he met the working group that had been responsible for producing the draft law and discussed its provisions in detail.

On March 23 and 24, the Vice Secretary-General participated in a joint mission, together with an official of WIPO, to Caracas (Venezuela). They addressed a meeting organized by the Ministry of Development of Venezuela, at which the WIPO official gave a presentation on patent protection for biotechnological inventions, and the Vice Secretary-General a presentation on the nature of and need for plant variety protection. They also visited the National Center for Agricultural Research (CENIAP) and addressed the staff of that organization on the subject of the protection of biotechnology and plant varieties.

On March 25 and 26, the Vice Secretary-General visited Santa Fe de Bogotá (Colombia), where he met the Vice-Minister for Agriculture, Mr. Alejandro Linares Cantillo, and Dr. Rodolfo Alvarado, Director of Agriculture in the Ministry of Agriculture, and discussed possible procedures for the introduction of plant variety protection in Colombia. He subsequently met Mr. Santiago Perry Rubio, Director of the Agricultural Institute of Colombia, and the working group which had prepared a draft law on the protection of plant varieties.

On March 30, Mrs. Gloriana Rodríguez Hernández, First Secretary in the Permanent Mission of Costa Rica in Geneva, called on the Office of the Union to enquire about the formalities involved in accession to the UPOV Convention.

On April 1 and 2, an official of the Union attended a Forum and Workshop on Genetically Modified Cultivars held in Cambridge (United Kingdom).

On April 7, the Vice Secretary-General received a visit from Mr. Andreas Cambitsis, First Counsellor in the Permanent Mission of Greece in Geneva, together with Mr. Gerasimos Apostolatos, who had responsibilities in relation to the introduction of plant breeders' rights in Greece. The options for the introduction of a legal system of protection for plant varieties were discussed.

On April 8, the Vice Secretary-General received a visit from Mr. Magne Stubsjoen, Director General of the Ministry of Agriculture of Norway, who

delivered a fresh draft of the proposed Norwegian law on plant variety protection, upon which he sought the comments of the Office of the Union.

On April 13, the Secretary-General met the Minister for Agriculture of Colombia, Mr. Alfonso López Caballero, in Santa Fe de Bogotá, and discussed with him the proposal to introduce plant variety protection in his country and the nature of the assistance that could be provided by UPOV.

On April 24, the Vice Secretary-General visited Buenos Aires (Argentina) and spoke on the subject of the protection of new plant varieties under the UPOV Convention at a seminar organized by the Foro Argentino de Biotecnología.

On April 27, the Vice Secretary-General visited the Secretary of Agriculture of Argentina, Mr. Marcelo Regúnaga, who reported that the Bill relating to the accession of Argentina to the UPOV Convention was to be presented to the Congress of Argentina in the months ahead. He also met the professional staff of the National Register of Cultivar Property and discussed with them the examination procedure in Argentina.

From April 29 to May 1, the Vice Secretary-General visited Santa Fe de Bogotá. He discussed the draft Law of Colombia with officials of the Ministry of Agriculture and of the Colombian Institute of Agriculture.

From May 4 to 7, the Vice Secretary-General participated in a Symposium on the Protection of Intellectual Property in Agriculture and the Protection of Plant Varieties in Brasilia (Brazil). The Symposium discussed a draft Bill which had been prepared by an interministerial committee of the Brazilian Government and provided an opportunity to suggest adjustments which would bring the draft Bill into conformity with the UPOV Convention.

On May 8, the Vice Secretary-General visited the offices of the Inter-American Institute for Agricultural Cooperation (IICA), whose Brazilian office then acted as the Secretariat of CONASUR (the organization of Agricultural Ministries of the Southern Cone of Latin America), an organization which is currently studying a regional agreement for the protection of plant varieties.

On May 18 and 19, the Vice Secretary-General participated in the Annual Meeting of Representatives of Designated Seed Certification Authorities of OECD in Cambridge (United Kingdom). The meeting provided an opportunity for contacts with officials of countries which may be considering the introduction of plant variety protection and accession to the UPOV Convention.

During May, the Office of the Union corresponded with the Ministry of Agriculture of Egypt concerning the protection of plant varieties.

From June 1 to 5, the Vice Secretary-General was present as a guest at the World Congresses of the International Federation of the Seed Trade (FIS) and the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL) in Toronto (Canada).

On June 3, Dr. Neil D. Hamilton, Professor of Law at Drake University, Des Moines (United States of America) and President of the American Association of Agricultural Law, visited the Office of the Union.

On June 17 and 18, an official of the Union participated in a Conference on Protecting and Exploiting Biotechnological Inventions in Brussels (Belgium) and spoke on the 1991 Act of the UPOV Convention.

On June 22, an official of the Union participated in Budapest in the celebration of the 100th anniversary of variety testing in Hungary and met the President of the Hungarian Republic, Dr. Arpád Göncz, the Under-Secretary of State, Ministry of Agriculture, Dr. György Raskó, Professor Pál Stefanovits, President of the Section of Agrarian Sciences, and Dr. Károly Neszmélyi, Director General of the Institute for Agricultural Quality Control.

On June 22 and 23, the Vice Secretary-General participated in a workshop on the protection of plant varieties organized by the Institute for Industrial Technological Research and Technical Standards (ITINTEC) in Lima (Peru) and spoke on the subject of the UPOV Convention, its scope of protection and its general provisions. At the end of the workshop, the Vice Secretary-General was handed a draft of a law which had been prepared by a working group in Peru for a national system of plant variety protection. The Vice Secretary-General also met during his visit the Minister for Industry, Mr. Jorge Camet, with whom he discussed the infrastructure necessary to administer a system of plant variety protection.

On June 24, the Vice Secretary-General participated in Lima in a meeting in the offices of the Ministry of Integration with officials from that Ministry and from the Ministries of Agriculture and Industry concerning possible proposals for the establishment of a regional system for the protection of plant varieties under the Cartagena Agreement.

On June 25 and 26, the Vice Secretary-General participated in the first Meeting of Experts on Plant Varieties in Lima organized by the Junta of the Cartagena Agreement. The main topic discussed by the meeting was a possible draft decision under the Cartagena Agreement on the introduction of a sub-regional system of protection for plant varieties, an initial working draft of which had been prepared by the Office of the Union with valuable assistance from staff of the International Bureau of WIPO, particularly in connection with the translation of the document. A staff member of WIPO also participated in the meeting in Lima.

On June 26, the Office of the Union provided information to the Government of Latvia on UPOV and the UPOV Convention.

On July 8, the Office of the Union supplied the Ministry of Agriculture of Lithuania with documentation with a view to the preparation by Lithuania of its law conforming with the 1991 Act.

On August 17, the Vice Secretary-General attended a meeting at the headquarters of the Kenya Agricultural Research Institute (KARI) in Nairobi where he met Dr. C.G. Ndiritu, its Director, Mr. Mulandi, Director of the Horticultural Crops Development Authority, Mr. L.O. Sese, Deputy Director, Kenya Industrial Property Office (KIPO), and Dr. Matthias W. Oggema, Deputy Director of Agriculture. The Office of the Union was asked to comment on the draft Regulations that had been prepared with a view to bringing into effect the Seeds and Plant Varieties Act 1972 of Kenya.

On August 18 and 19, the Vice Secretary-General visited Uganda. He met Prof. Josef K. Mukiibi, Secretary for Research in the Ministry of Agriculture, Animal Industry and Fisheries, and members of a Committee which was considering the subject of plant variety protection in Uganda. He also visited the Namulonge and Kawanda research stations and spoke to scientists and administrators concerned with plant breeding questions.

On August 19 and 20, an official of the Union, on his way to participating in the meetings of the UPOV Technical Working Parties in South Africa, visited



Zambia. He gave a lecture to breeders and experts from the seed industry, visited the research center in Golden Valley and the Seed Control and Certification Institute at Chilanga, where he met the Director, Dr. S.W. Muliokela, and Dr. Watson Mwale, Research Coordinator of the Mount Makulu Research Station, who expressed interest in the introduction of plant variety protection in Zambia.

On August 20 and 21, the Vice Secretary-General visited Harare, Zimbabwe, where he met the Under-Secretary for Research at the Ministry of Agriculture and Mrs. Kusum Mtindi, Head of Seed Services in the Ministry of Agriculture, and discussed the Plant Breeders' Rights Act 1973, its administration and the adjustment that would be necessary to this law if Zimbabwe wished to accede to the UPOV Convention. He also met the Board of Directors of the Zimbabwe Seed Trade Association.

From August 23 to September 8, the Vice Secretary-General visited South Africa and participated in the programs of the Technical Working Party for Fruit Crops and the Technical Working Party for Ornamental Plants and Forest Trees. During his stay, he visited Pretoria where he met the following officials of the Ministry of Agriculture: the Director General, Mr. H.S. Hattingh, the Deputy Director General, Dr. C.S. Blignaut, the Chief Director, Resource Development, Dr. D. Scotney, and the Director, Directorate of Plant and Quality Control, Dr. D.P. Keetch. He also met industry groups interested in plant variety protection in Pretoria, Nelspruit and Stellenbosch, and described developments in UPOV.

On August 24, the Office of the Union provided information on the procedure for accession to the UPOV Convention to the Government of Côte d'Ivoire.

In August, the Office of the Union corresponded with the Government of Mexico concerning a national seminar in Mexico on the subject of plant variety protection that was eventually held on September 10 and 11.

On September 15 and 16, the Vice Secretary-General participated in Noordwijk (Netherlands) in the Congress of the International Association of Horticultural Producers and addressed the Association's Committee for Novelty Protection.

On September 17 and 18, the Vice Secretary-General participated by invitation in a colloquium on plant variety protection organized by the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA) and held at the premises of the European Patent Office (EPO) in Munich (Germany).

On September 23, Mr. Qiao Dexi, Director of the Legal Affairs Department in the Patent Office of the People's Republic of China, and Mr. Wu Zhenxiang, First Secretary, Permanent Mission of China in Geneva, visited the Office of the Union and asked for information on the subject of plant variety protection and discussed the possibility of sending a UPOV mission to Beijing after the conclusion of the UPOV seminar in Suweon.

On September 24 and 25, the Vice Secretary-General visited Kiev (Ukraine), where he had discussions concerning the draft law of Ukraine for the protection of plant varieties with the Deputy Minister for Foreign Affairs, Mr. Valentin M. Lipatov, the Deputy Chairman of the Ukrainian Parliament, Prof. Volodymyr Gryniiov, the Director of the Academy of Agricultural Science, Dr. Sytnik, and the directors of the leading agricultural research institutes of Ukraine, with the First Deputy Minister for Agriculture, Mr. Leontiy Dunets, the Chairman of the State Committee for Variety Testing and Protection, Mr. Victor Volkodav,

and with other circles interested in plant variety protection. The draft law had received its first reading in the Ukrainian Parliament and it was hoped that its second reading might be expedited as a result of the discussions.

During October, the Office of the Union had regular contacts with the authorities of Austria and Finland on the subject of their requests for the advice of the Council on conformity of their legislation with the UPOV Convention.

On October 16, the Vice Secretary-General participated, in Santiago de Chile, in the closing ceremony of an Information Seminar on Plant Variety Protection held on October 15 and 16 by the Agriculture and Animal Husbandry Service of the Ministry of Agriculture of Chile, with the support of the Ministry of Foreign Affairs and of UPOV. He subsequently met Mr. Leopoldo Sánchez, National Director of the Agriculture and Animal Husbandry Service, Mr. Orlando Morales Valencia, Director of the Protection Division, and Mrs. Rosa Messina Cruz, Director of the Seed Service and the Variety Property Register, with whom he discussed matters relating to possible accession to the Convention. He further met Mr. Eduardo Carillo Tomic, Legal Adviser to the Ministry of Agriculture, and other persons who had contributed to the drafting of a Bill revising the plant variety protection Law.

On October 19 and 20, the Vice Secretary-General participated in Santa Cruz (Bolivia) in the 14th Pan-American Seed Seminar as a special guest and as an expert in a round table on plant variety protection. He also delivered a lecture.

On October 22 and 23, the Vice Secretary-General participated in Lima (Peru) in the second session of the Committee of Experts on Plant Variety Protection set up by the Junta of the Cartagena Agreement. The session examined the draft agreement drawn up by the Junta on the basis of a text previously proposed by the Office of the Union.

On October 29, on the occasion of the Council session, the Vice Secretary-General received from Mr. Nordahl Roaldsoy, Adviser to the Ministry of Agriculture of Norway, the most recent draft of that country's law on plant variety protection for comment; the draft was to be submitted to Parliament in December.

On October 30, the Vice Secretary-General received a visit from Mr. Felipe Orozco Meza, Director of the National Seed Inspection and Certification Service of Mexico, who communicated to him a draft law on plant variety protection.

During November, in part as a result of the interest shown during the Council session, the Office of the Union sent information on plant variety protection and on UPOV to the authorities or to persons in the following States: Belarus, Côte d'Ivoire, Croatia, Estonia, Iran (Islamic Republic of), Latvia, Lithuania, Senegal. It also had contacts with the authorities of Austria with regard to that country's draft law on plant variety protection, particularly with regard to the formulation of the "farmer's privilege."

On November 10, the Office of the Union received the visit of Mrs. Debbie Hamrick, publisher and editor of "FloraCulture International," a journal with an international readership of 10,500 subscribers.

On November 11, the Vice Secretary-General participated in Algiers (Algeria) in an introductory course on seed production organized by the International Center for Advanced Mediterranean Agricultural Studies, at which he delivered a lecture.

On November 13, the Vice Secretary-General received a visit from Mrs. Ruth Masika, Registrar General, Ministry of Justice of Uganda, and provided her with information on plant variety protection.

From November 21 to 23, the Vice Secretary-General and an official of the Union visited Beijing (China) following the seminar held in Sueson (Republic of Korea). The Vice Secretary-General had talks with Mr. Song Zehou, Director-General, Department of Rural Science and Technology, State Committee for Science and Technology, and Director of the Spark Program Office (a general program of technology transfer appropriate to rural communities), Mr. Shen Maoxiang, Head of Division in the above-mentioned Department and Standing Director of the Chinese Floriculture Association, and Mr. Wang Shaoqi, Director-General, International Cooperation Department of the State Committee for Science and Technology. Agreements of principle were reached on cooperation in the establishment of official translations of the 1978 and 1991 Acts of the Convention into Chinese and on cooperation with the Chinese authorities in organizing a regional seminar in 1993. The Vice Secretary-General also gave a lecture at a seminar organized by the Library of the Chinese Academy of Agriculture.

On November 26 and 27, an official of the Office of the Union participated in Battipaglia (Italy) in a meeting of the Committee of Experts of the European Community on Vegetable Trials (broccoli).

At the beginning of December, the Office of the Union participated in organizing a study trip for Mr. Lee Ki Sik, Deputy Director of the Agricultural Production Department of the Ministry of Agriculture, Forestry and Fisheries of the Republic of Korea, and Mr. Lee Seong Hee, Principal Researcher in the Rural Development Administration of that country. In relation to that trip, the Vice Secretary-General visited the Plant Variety Protection Office of Switzerland in Berne.

On December 14, the Vice Secretary-General communicated to Mr. Eduardo Carillo Tomic, Legal Adviser to the Ministry of Agriculture of Chile, comments on the draft law revising the plant variety protection law of that country.

On December 17, the Vice Secretary-General communicated to Mr. Cyrus G. Ndiritu, Director of the Kenya Agricultural Research Institute, comments on the draft Regulations under the Seeds and Plant Varieties Act 1972 of Kenya.

## V. PUBLICATIONS

In 1992, the Office of the Union published:

- (i) the 1991 Act of the UPOV Convention in Arabic, Portuguese, Russian and Spanish;
- (ii) the Records of the 1991 Diplomatic Conference in English, French and German;
- (iii) three issues of Plant Variety Protection;
- (iv) the report on the Seminar on the Nature of and Rationale for the Protection of Plant Varieties under the UPOV Convention which took place at Tsukuba (Japan) from November 12 to 15, 1991;
- (v) three supplements to the Collection of Important Documents;
- (vi) one supplement to the Collection of Laws and Treaties.

## MEMBERSHIP OF THE UNION (as at February 1, 1993)

State	Date of signature <sup>1</sup>	Date of deposit of instrument <sup>1,2</sup>	Date of effect <sup>1</sup>
Australia	- - - -	- - February 1, 1989 -	- - March 1, 1989 -
Belgium	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	November 5, 1976 November 5, 1976 - -	December 5, 1976 February 11, 1977 - -
Canada	- - October 31, 1979 March 9, 1992	- - February 4, 1991 -	- - March 4, 1991 -
Czech Republic	- - - -	- - - -	- - January 1, 1993 -
Denmark	November 26, 1962 November 10, 1972 October 23, 1978 March 19, 1991	September 6, 1968 February 8, 1974 October 8, 1981 -	October 6, 1968 February 11, 1977 November 8, 1981 -
France	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	September 3, 1971 January 22, 1975 February 17, 1983 -	October 3, 1971 February 11, 1977 March 17, 1983 -
Germany	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	July 11, 1968 July 23, 1976 March 12, 1986 -	August 10, 1968 February 11, 1977 April 12, 1986 -

<sup>1</sup> First Line: International Convention for the Protection of New Varieties of Plants of December 2, 1961 ("Act of 1961").  
Second Line: Additional Act of November 10, 1972.  
Third Line: Act of October 23, 1978.  
Fourth Line: Act of March 19, 1991.

<sup>2</sup> of ratification where the State has signed the Convention or the Additional Act, depending on the case; of ratification, acceptance or accession where the State has signed the Act of 1978; of accession where it has not signed the text concerned.

## MEMBERSHIP OF THE UNION (as at February 1, 1993)

State	Date of signature <sup>1</sup>	Date of deposit of instrument <sup>1,2</sup>	Date of effect <sup>1</sup>
Hungary	-	-	-
	-	-	-
	-	March 16, 1983	April 16, 1983
	-	-	-
Ireland	-	-	-
	September 27, 1979	May 19, 1981	November 8, 1981
	February 21, 1992	-	-
Israel	-	November 12, 1979	December 12, 1979
	-	November 12, 1979	December 12, 1979
	-	April 12, 1984	May 12, 1984
	October 23, 1991	-	-
Italy	December 2, 1961	June 1, 1977	July 1, 1977
	November 10, 1972	June 1, 1977	July 1, 1977
	October 23, 1978	April 28, 1986	May 28, 1986
	March 19, 1991	-	-
Japan	-	-	-
	-	-	-
	October 17, 1979	August 3, 1982	September 3, 1982
Mexico (not yet a member)	-	-	-
	-	-	-
	July 25, 1979	-	-
Netherlands	December 2, 1961	August 8, 1967	August 10, 1968
	November 10, 1972	January 12, 1977	February 11, 1977
	October 23, 1978	August 2, 1984	September 2, 1984
	March 19, 1991	-	-
New Zealand	-	-	-
	-	-	-
	July 25, 1979	November 3, 1980	November 8, 1981
Poland	-	-	-
	-	-	-
	-	October 11, 1989	November 11, 1989
	-	-	-
Slovakia	-	-	-
	-	-	-
	-	-	January 1, 1993
	-	-	-

## MEMBERSHIP OF THE UNION (as at February 1, 1993)

State	Date of signature <sup>1</sup>	Date of deposit of instrument <sup>1,2</sup>	Date of effect <sup>1</sup>
South Africa	-	October 7, 1977	November 6, 1977
	-	October 7, 1977	November 6, 1977
	October 23, 1978	July 21, 1981	November 8, 1981
	March 19, 1991	-	-
Spain	-	April 18, 1980	May 18, 1980
	-	April 18, 1980	May 18, 1980
	-	-	-
	March 19, 1991	-	-
Sweden	-	November 17, 1971	December 17, 1971
	January 11, 1973	January 11, 1973	February 11, 1977
	December 6, 1978	December 1, 1982	January 1, 1983
	December 17, 1991	-	-
Switzerland	November 30, 1962	June 10, 1977	July 10, 1977
	November 10, 1972	June 10, 1977	July 10, 1977
	October 23, 1978	June 17, 1981	November 8, 1981
	March 19, 1991	-	-
United Kingdom	November 26, 1962	September 17, 1965	August 10, 1968
	November 10, 1972	July 1, 1980	July 31, 1980
	October 23, 1978	August 24, 1983	September 24, 1983
	March 19, 1991	-	-
United States of America	-	-	-
	-	-	-
	October 23, 1978	November 12, 1980	November 8, 1981
	October 25, 1991	-	-

Statistics on Plant Variety Protection from 1987 to 1991

	State	Year	Applications filed by:			Titles issued to:			Titles having ceased to be in force in reference year	Titles in force at end of reference year
			Residents	Non-residents	Total	Residents	Non-residents	Total		
AU	Australia	1987	-	-	-	-	-	-	-	-
	Australie	1988	15	21	36	-	-	-	-	-
	Australien	1989	23	111	134	12	10	22	-	22
		1990	53	81	134	13	53	66	-	88
		1991	48	63	111	17	44	61	-	149
BE	Belgium	1987	15	89	104	1	37	38	36	314
	Belgique	1988	19	109	128	5	33	38	26	326
	Belgien	1989	37	107	144	17	69	86	50	362
		1990	29	110	139	3	49	52	47	367
		1991	29	97	126	20	88	108	63	412
CA	Canada	1987	-	-	-	-	-	-	-	-
	Kanada	1988	-	-	-	-	-	-	-	-
		1989	-	-	-	-	-	-	-	-
		1990	-	-	-	-	-	-	-	-
		1991	-	-	-	-	-	-	-	-
CH	Switzerland	1987	8	67	75	2	59	61	15	233
	Suisse	1988	6	80	86	-	45	45	15	263
	Schweiz	1989	8	92	100	16	84	100	26	337
		1990	17	43	60	4	70	74	26	385
		1991	12	79	91	11	47	58	39	404
CS	Czechoslovakia	1987	-	-	-	-	-	-	-	-
	Tchécoslovaquie	1988	-	-	-	-	-	-	-	-
	Tschechoslowakei	1989	-	-	-	-	-	-	-	-
		1990	-	-	-	-	-	-	-	-
		1991	47	16	63	-	-	-	-	-
DE	Germany	1987*	515	326	841	297	150	447	267	3003
	Allemagne	1988*	586	424	1010	355	244	599	331	3271
	Deutschland	1989*	650	335	985	289	207	496	300	3467
		1990	941	372	1313	427	238	665	476	4008
		1991	786	332	1118	292	284	576	507	4077
DK	Denmark	1987	60	169	229	29	134	163	82	730
	Danemark	1988	59	184	243	29	136	165	76	819
	Dänemark	1989	80	173	253	51	175	226	62	954
		1990	68	163	231	48	172	220	156	1018
		1991	83	159	242	75	175	250	92	1176

\* Excluding the applications filed and titles issued in the former German Democratic Republic / à l'exclusion des demandes déposées et des titres délivrés dans l'ancienne République démocratique allemande / ausschliesslich der in der ehemaligen Deutschen Demokratischen Republik hinterlegten Anmeldungen sowie erteilten Sortenschutzrechte

	Etat	Année	Demandes déposées par des :			Titres délivrés pour des :			Titres ayant expiré au cours de l'année de référence	Titres en vigueur à la fin de l'année de référence
			Résidents	Non- résidents	Total	Résidents	Non- résidents	Total		
ES	Spain	1987	78	181	259	35	83	118	34	523
	Espagne	1988	116	203	319	-	-	-	7	518
	Spanien	1989	138	201	339	19	96	115	31	602
		1990	86	214	300	34	68	102	54	654
		1991	117	237	354	-	-	-	10	644
FR	France	1987	571	286	857	333	209	542	280	2517
	Frankreich	1988	-	-	-	-	-	-	-	2827
		1989	645	251	896	306	177	483	268	3042
		1990	687	337	1024	552	271	823	346	3519
		1991	577	299	876	377	193	570	405	3684
GB	United Kingdom	1987	167	198	365	93	153	246	245	1477
	Royaume-Uni	1988	-	-	-	-	-	-	-	1662
	Vereinigtes	1989	207	338	545	117	164	281	259	1684
	Königreich	1990	188	300	488	98	215	313	238	1759
		1991	201	245	446	118	241	359	289	1829
HU	Hungary	1987	32	6	38	4	5	9	-	61
	Hongrie	1988	38	67	105	9	2	11	-	72
	Ungarn	1989	38	29	67	4	12	16	-	88
		1990	65	32	97	14	18	32	3	107
		1991	59	51	110	20	29	49	12	144
IE	Ireland	1987	-	-	-	-	-	-	-	-
	Irlande	1988	-	-	-	-	-	-	-	121
	Irland	1989	8	15	23	2	8	10	14	117
		1990	9	19	28	3	9	12	21	108
		1991	4	22	26	7	14	21	25	104
IL	Israel	1987	122	94	216	35	48	83	20	393
	Israël	1988	122	77	199	48	26	74	14	453
	Israel	1989	80	61	141	30	6	36	15	474
		1990	54	67	121	87	97	184	78	580
		1991	60	93	153	43	39	82	38	624
IT	Italy	1987	-	-	-	-	-	-	-	-
	Italie	1988	117	165	282	28	38	66	-	-
	Italien	1989	-	-	-	-	-	-	-	-
		1990	93	197	290	45	36	81	-	694
		1991	120	180	300	80	245	325	-	-
JP	Japan	1987	419	22	441	239	1	240	45	1387
	Japon	1988	503	76	579	295	63	358	67	1678
	Japan	1989	475	62	537	234	6	240	140	1776
		1990	404	167	571	415	61	476	158	2095
		1991	610	112	722	376	42	418	170	2343



	Staat	Jahr	Anmeldungen hinterlegt durch Personen mit Sitz im:			Sortenschutz erteilt für Personen mit Sitz im:			Im Bezugsjahr beendete Schutzrechte	Am Ende des Bezugsjahr gültige Schutzrechte	
			Inland	Ausland	Zusammen	Inland	Ausland	Zusammen			
NL	Netherlands	1987	-	-	-	-	-	-	-	2810	
	Pays-Bas	1988	804	336	1140	482	266	748	404	3114	
	Niederlande	1989	879	369	1248	577	293	870	646	3338	
		1990	971	484	1455	541	271	812	476	3674	
		1991	1000	431	1431	563	292	855	697	3832	
NZ	New Zealand	1987	28	43	71	16	35	51	7	311	
	Nouvelle-Zélande	1988	40	32	72	18	37	55	21	345	
	Neuseeland	1989	30	66	96	18	29	47	24	368	
		1990	33	95	128	17	43	60	25	403	
		1991	34	37	71	43	48	91	32	462	
PL	Poland	1987	-	-	-	-	-	-	-	-	
	Pologne	1988	64	6	70	9	-	9	-	9	
	Polen	1989	62	34	96	37	11	48	-	57	
		1990	53	127	180	18	-	18	2	73	
		1991	112	136	248	35	34	69	1	141	
SE	Sweden	1987	33	36	69	16	21	37	9	249	
	Suède	1988	30	51	81	16	34	50	37	262	
	Schweden	1989	34	29	63	16	43	59	27	294	
		1990	25	64	89	15	49	64	28	330	
		1991	61	47	108	16	37	53	56	327	
US	United States of America	A	1987	209	15	224	170	17	187	-	1892
			1988	-	-	-	-	-	-	-	2122
			1989	274	43	317	107	-	107	1	2228
			1990	254	18	272	122	9	131	24	2336
			1991	257	14	271	197	18	215	133	2418
	Vereinigte Staaten von Amerika	B	1987	222	163	385	131	98	229	52	3051
			1988	240	137	377	260	165	425	71	3405
			1989	208	175	383	345	242	587	199	3793
			1990	255	163	418	153	165	318	132	3979
			1991	227	236	463	237	116	353	157	4175
ZA	South Africa	1987	56	43	99	22	25	47	13	313	
	Afrique du Sud	1988	43	87	130	50	46	96	16	391	
	Südafrika	1989	74	23	97	23	29	52	7	436	
		1990	100	51	151	40	43	83	19	502	
		1991	39	32	71	43	24	67	25	544	

**ARGENTINA****LAW NO. 20247/73 ON SEED AND PHYTOGENETIC CREATIONS\***

of March 30, 1973

**CHAPTER I****GENERAL****Article 1**

The purpose of this Law is to promote efficient activities in the production and marketing of seed, to provide agricultural producers with a guarantee of the identity and quality of the seed they acquire and to protect property in phyto-genetic creations.

**Article 2**

For the purposes of this Law:

- (a) "seed" shall mean any plant organ intended for sowing or propagation.
- (b) "phyto-genetic creation" shall mean any cultivar obtained by discovery or by the application of scientific knowledge to the inheritable improvement of plants.

**Article 3**

The Ministry of Agriculture and Animal Husbandry, with the advice of the National Seed Commission, shall implement this Law and establish the requirements, standards and tolerance levels, both in general and for each class, category and species of seed.

**CHAPTER II****NATIONAL SEED COMMISSION****Article 4**

There shall be set up, within the jurisdiction of the Ministry of Agriculture and Animal Husbandry, a National Seed Commission having the nature of a collegiate body, with the functions and powers assigned to it by this Law and by the relevant regulations.

---

\* Spanish title: Ley de Semillas y Creaciones Fitogenéticas No. 20247/73

\*\* Source: Boletín Oficial of April 16, 1973

#### Article 5

The Commission shall consist of ten (10) members appointed by the Ministry of Agriculture and Animal Husbandry. The members shall be required to have special knowledge of seed. Five (5) of the members shall be officials representing the State, of which two (2) shall belong to the National Directorate of Agricultural Control and Marketing, two (2) to the National Institute of Farming Technology and one (1) to the National Grain Board. Five (5) further members shall represent the private sector, one (1) of which shall represent the plant breeders, two (2) shall represent the production and marketing of seed and two (2) shall represent the users. The Ministry of Agriculture and Animal Husbandry shall determine which of the representatives of the State shall act as President and Vice-President of the Commission. The remaining persons comprising the Commission shall act as members of the Commission.

Each member of the Commission shall have an alternate appointed by the Ministry of Agriculture and Animal Husbandry, who shall act in the absence of the full member, having the same capacity as the member.

The representatives of the private sector, whether full members or alternates, shall be appointed on the proposal of the most representative entities of each branch. Their term of office shall be of two (2) years. They may be reelected and may not be removed during their term of office, except on serious grounds. They shall receive an indemnity to be laid down each year on the proposal of the Ministry of Agriculture and Animal Husbandry.

#### Article 6

The Commission shall take its decisions on a simple majority of the votes and the President shall have a casting vote in the event of equally divided voting. Such decisions shall be communicated to the Ministry of Agriculture and Animal Husbandry which, should it judge them to be pertinent, shall have them implemented by its specialized services.

#### Article 7

The Commission shall have the following duties and powers:

- (a) To propose rules and interpretation criteria for implementing this Law.
- (b) To specify the species to be included under the "supervised" seed system.
- (c) To pronounce on any matter submitted to it by the technical services of the Ministry of Agriculture and Animal Husbandry in compliance with this Law and its regulations.
- (d) To consider and give opinions on draft official policies, laws, decrees, decisions and provisions of a national, provincial or municipal nature related to the subject matter of this Law as well as to the official agricultural produce marketing bodies.
- (e) To examine the evidence regarding presumed infringements of this Law and propose, as appropriate, application of the penalties laid down in Chapter VII.

- (f) To settle technical disputes arising between the services of the Ministry of Agriculture and Animal Husbandry and identifiers, merchants, distributors and users arising from the application of this Law and its regulations.
- (g) To propose to the Ministry of Agriculture and Animal Husbandry the fees to be levied for the services provided under this Law and also any amendment to those fees.

In addition to the duties and powers set out above, the Commission may propose such governmental measures as it holds necessary for improved compliance with the Law.

#### Article 8

The Commission shall lay down its own internal working rules and shall have a standing Technical Secretariat.

It shall set up committees to deal with specific matters, which may be of a standing nature and which shall be composed in accordance with the above-mentioned rules.

### CHAPTER III

#### SEED

#### Article 9

Seed displayed to the public or supplied to users for any purpose must be duly identified and the following minimum particulars shall be specified on the container label:

- (a) Name and address of the identifier of the seed and his registration number.
- (b) Name and address of the merchant selling the seed and his registration number, where he is not the identifier.
- (c) Common name of the species and the botanical name for those species where it is required by regulation; in the event of a mixture of two (2) or more species, the term "mixture" together with the names and percentages of each of the components that individually or jointly exceed the total percentage established by regulation.
- (d) Name of the cultivar and its varietal purity, where appropriate; where such is not the case, the term "common" shall be given.
- (e) Percentage of physical--botanical purity, by weight, where it is less than the values laid down by regulation.
- (f) Germination percentage, as a figure, and the date of the analysis (month and year) where it is lower than the values laid down by regulation.
- (g) Percentage of weeds for those species where such is required by regulation.

- (h) Net content.
- (i) Harvest year.
- (j) Origin, in the case of imported seed.
- (k) "Category" of the seed where appropriate.
- (l) "Treated seed--poison" in red letters where the seed has been treated with a toxic substance.

#### Article 10

The following "classes" of seed are established:

- (a) "Identified." Seed that commplies with the requirements of Article 9.
- (b) "Supervised." Seed that not only complies with the requirements for "identified" seed and obtains good results in officially approved tests, but is also subjected to official control during the stages of its production cycle. This class shall comprise the "categories": "original" (basic or fundamental) and "certified" in various grades.

The regulations may establish other categories within the above-mentioned classes.

The Ministry of Agriculture and Animal Husbandry, with the advice of the National Seed Commission, shall maintain within the supervised production system all those species that are subject thereto on the date of entry into force of this Law and may compulsorily incorporate into the "supervised" seed system such species as it deems fit for agronomic reasons or reasons of the general interest.

#### Article 11

The importing and exporting of seed shall be subject to the arrangements under this Law in accordance with the rules laid down by the National Executive Power in order to protect and promote agricultural production within the country.

#### Article 12

When settling disputes as to the quality of seed that is imported or exported, the international standards applicable to methods and processes for analysis and seed tolerances shall be applied.

#### Article 13

There shall be set up, under the jurisdiction of the Ministry of Agriculture and Animal Husbandry, a National Register of Seed Trade and Supervision in which shall be entered, in accordance with the provisions to be laid down by regulation, all persons who import, export, produce supervised seed, process, analyse, identify or sell seed.

#### Article 14

Any type of transfer of seed for the purposes of trade, sowing or propagation by third parties may only be effected by a person entered in the National Register of Seed Trade and Supervision and who shall be responsible, on transfer of the seed, for its correct labeling. The regulations shall lay down those cases where such responsibility may cease due to the passage of time or other factors.

#### Article 15

The Ministry of Agriculture and Animal Husbandry, with the advice of the National Seed Commission, may prohibit or subject to special requirements and rules, either provisionally or permanently, over all or part of the national territory, the production, promotion or marketing of given seed where it deems fit for agronomic reasons or for reasons of the general interest.

When taking any of the above-mentioned measures, the Ministry of Agriculture and Animal Husbandry shall be required to lay down a sufficient period of time for their application to avoid damaging legitimate interests.

### CHAPTER IV

#### NATIONAL REGISTER OF CULTIVARS

#### Article 16

There shall be set up, under the jurisdiction of the Ministry of Agriculture and Animal Husbandry, a National Register of Cultivars in which shall be entered any cultivar identified for the first time in accordance with Article 9 of this Law; the entry must be sponsored by an agricultural engineer having a national title or a qualification recognized as equivalent. Cultivars of public knowledge on the date of entry into force of this Law shall be entered ex officio by the above-mentioned Ministry.

#### Article 17

The application for entry of a cultivar shall state the name and address of the applicant, the botanical species, the name of the cultivar, the origin, the most distinctive characteristics in the view of the professional sponsor, and the source. The Ministry of Agriculture and Animal Husbandry, with the advice of the National Seed Commission, may establish additional requirements for the entry of certain species. Cultivars of the same species may not be entered with the same or a confusingly similar name; the denomination in the original language shall be respected, following the same criterion. Entry in the Register established by Article 16 shall not afford property rights.

Article 18

Where the Ministry of Agriculture and Animal Husbandry, with the advice of the National Seed Commission, considers it proven that the name is the same or confusingly similar, it shall give priority to the name given in the first description of the cultivar in a scientific publication or in an official or private catalogue, or to the common name or, in case of doubt, to the first name entered in the National Register of Cultivars, the use of other denominations shall be prohibited as from a date to be laid down in each case.

CHAPTER V

NATIONAL REGISTER OF CULTIVAR OWNERSHIP

Article 19

There shall be set up, under the jurisdiction of the Ministry of Agriculture and Animal Husbandry, a National Register of Cultivar Ownership for the purpose of protecting the property rights of the creators and discoverers of new cultivars.

Article 20

The phylogenetic creations and cultivars that are distinguishable from the creations and cultivars already known on the filing date of the application for property rights and of which the individuals possess sufficiently homogeneous and stable hereditary characteristics through successive generations may be entered in the Register set up by Article 19 and shall be considered "property" as provided by this Law. The appropriate action must be taken by the creator or discoverer, with the sponsorship of an agricultural engineer having a national title or a qualification recognized as equivalent, and the new cultivar must be identified with a name that complies with the relevant provisions of Article 17.

Article 21

The application for property rights in the new cultivar shall set out the characteristics required by Article 20 and shall be accompanied by seed and samples of the cultivar if so required by the Ministry of Agriculture and Animal Husbandry. The Ministry may subject the new cultivar to laboratory and field tests and trials in order to confirm the claimed characteristics and may accept as evidence the reports on trials previously carried out by the applicant for property rights and reports by official services.

On the basis of such elements of judgment and with the advice of the National Seed Commission, the Ministry of Agriculture and Animal Husbandry shall decide whether to grant the corresponding title of ownership. Until such title is granted, the cultivar concerned may not be sold or offered for sale. The owner shall be required to keep a living sample of the cultivar at the disposal of the Ministry of Agriculture and Animal Husbandry during the term of validity of the title concerned.

Article 22

The title of ownership of a cultivar shall be granted for a term of not less than ten (10) nor more than twenty (20) years, depending on the species or group of species, in accordance with the provisions of the regulations. The title of ownership shall contain the date of issue and the date of expiry.

Article 23

The title of ownership of a cultivar may be assigned on condition that the corresponding transfer be entered in the National Register of Cultivar Ownership. If not entered, the transfer shall not be enforceable against third parties.

Article 24

The property right in a cultivar shall belong to the person who has obtained the cultivar. The persons involved in the work relating to the phyto-genetic creation or the discovery of a new cultivar shall have no rights in the exploitation of the cultivar on their own behalf, unless they have the authorization of the owner.

Article 25

Ownership of a cultivar shall not prevent other persons from using the cultivar for creating a new cultivar, which may be entered in the name of its creator without the consent of the owner of the phyto-genetic creation used to obtain it, provided that the original cultivar does not have to be used in a permanent manner to produce the new cultivar.

Article 26

A title of ownership sought for a foreign cultivar must be filed by its creator or by his duly authorized representative residing in Argentina and shall be granted on condition that the country in which it originates affords similar rights to Argentine phyto-genetic creations. The maximum term of ownership in such cases shall be that remaining up to expiry of the rights in the country of origin.

Article 27

The property rights in a cultivar shall not be infringed by anyone who, for any reason, furnishes seed of the cultivar with the owner's permission or who holds back and sows seed for his own use or who uses or sells as raw material or foodstuff the product obtained by growing the phyto-genetic creation.



#### Article 28

The title of ownership of a cultivar may be declared to be "restricted public use" by the National Executive Power, on a proposal by the Ministry of Agriculture and Animal Husbandry, on the basis of equitable compensation for the owner where such declaration proves necessary to ensure adequate supplies in the country of the product obtained from growing the cultivar and where the person enjoying the property rights does not satisfy the public need for seed of such cultivar in the quantity and at the price considered reasonable. During the period during which a cultivar is declared to be of "restricted public use," the Ministry of Agriculture and Animal Husbandry may allow it to be used by interested persons who are able to provide satisfactory technical guarantees and who duly register with the Ministry. The declaration by the Executive Power may or may not state the compensation to be paid to the owner or such compensation may be determined between the parties concerned. Where the parties fail to agree, the National Seed Commission shall lay down the compensation by a decision that shall be appealable before the Federal Court. The negotiation of the agreement on compensation may under no circumstances delay the availability of the cultivar, which shall be immediately available following the declaration by the National Executive Power; failure to comply shall make the owner punishable in accordance with this Law.

#### Article 29

The declaration of "restricted public use" in respect of a cultivar shall be effective for a term of not more than two (2) years. Extension for a further period of the same duration may be declared only by a new, reasoned decision of the National Executive Power.

#### Article 30

The title of ownership of a cultivar shall lapse for the following reasons:

- (a) Renunciation by the owner of his rights, in which case the cultivar shall fall into the public domain.
- (b) Where it is shown that the title has been obtained by means of fraud in respect of third parties, in which case the rights shall be transferred to their legitimate owner where he can be identified, failing which it shall fall into the public domain.
- (c) Expiry of the statutory term of ownership, from which time onwards it shall fall into the public domain.
- (d) Where the owner is not able to furnish a sample of the cultivar having the same characteristics of the original, at the request of the Ministry of Agriculture and Animal Husbandry.
- (e) Failure to pay the annual fee to the National Register of Cultivar Ownership within six (6) months of a duly substantiated demand for payment, in which case the cultivar shall fall into the public domain.

## CHAPTER VI

FEES AND SUBSIDIESArticle 31

The National Executive Power, on a proposal by the Ministry of Agriculture and Animal Husbandry and with the advice of the National Seed Commission, shall lay down fees for the following cases:

- (a) Entry, annual renewal and certification in the National Register of Cultivar Ownership.
- (b) Entry and annual renewal in the National Register of Seed Trade and Supervision.
- (c) Provision of official labels for "supervised" seed.
- (d) Seed analysis and cultivar tests.
- (e) Services requested.
- (f) Registration of laboratories and other ancillary services.

Article 32

On a proposal by the Ministry of Agriculture and Animal Husbandry and with the advice of the National Seed Commission, the Executive Power may grant under the conditions laid down by the regulations, subsidies, special promotional credits and tax exemptions to cooperatives, official agencies, persons and enterprises with domestic capital that deploy their efforts for phylogenetic creation. The funds to cover such expenditure shall be set off against the "Seed Law" special account.

Article 33

On a proposal by the Ministry of Agriculture and Animal Husbandry and with the advice of the National Seed Commission, the Executive Power may award prizes as an incentive to plant breeding technicians who, through their work in the various official agencies, contribute new cultivars possessing outstanding properties and being of significant benefit to the national economy. The funds required for this purpose shall be set off against the "Seed Law" special account.

Article 34

A special account, with the heading "Seed Law," shall be opened and shall be administered by the Ministry of Agriculture and Animal Husbandry, to which shall be credited the funds obtained from fees, fines, donations and other income and amounts to be determined in the general budget of the Nation, and to which shall be debited the expenditure and investments required to keep up the services, subsidies and prizes referred to in this Law. Any funds not spent during one financial year shall be carried forward to the following financial year.

## CHAPTER VII

PENALTIESArticle 35

Any person who displays or furnishes for any purpose seed not identified in the manner laid down by Article 9 and the regulations or who makes a false statement in the specifications on the container label shall receive a reprimand in the case of a simple error or omission and, in other cases, be liable to a fine of between one hundred pesos (\$100) and one hundred thousand pesos (\$100,000) together with confiscation of the merchandise if it cannot be put into proper condition for marketing as seed. In such case, the Ministry of Agriculture and Animal Husbandry may authorize the owner to sell the confiscated merchandise for consumption or destruction as determined by the regulations.

Article 36

Any person who distributes seed of cultivars not registered in the National Register of Cultivars shall be liable to confiscation of the merchandise and a fine of between one thousand pesos (\$1,000) and sixty thousand pesos (\$60,000). The fine shall be adjusted by reference to the offender's background and to the economic value of the seed.

Article 37

Any person who identifies or sells, with the correct or other identification, seed of cultivars whose propagation and marketing have not been authorized by the owner of the cultivar shall be liable to a fine of two thousand pesos (\$2,000) and one hundred thousand pesos (\$100,000).

Article 38

Any person who acts contrary to decisions taken under Article 15 shall be liable to a fine of between two thousand pesos (\$2,000) and one hundred thousand pesos (\$100,000) and confiscation of the infringing merchandise.

Article 39

Any person who provides information or who carries out advertising in a manner that is misleading or may mislead as to the quality or condition of seed, or who withholds or misrepresents information he is required to give by this Law, shall be liable to a reprimand or a fine of between one thousand pesos (\$1,000) and sixty thousand pesos (\$60,000).

#### Article 40

In addition to the penalties provided for in Articles 33 to 39 and in Article 42, persons referred to in Article 13 may also be subject to provisional or final suspension from the National Register of Seed Trade and Supervision and thus be prohibited from exercising any activity governed by this Law during the period of suspension insofar as they may infringe this Law and its regulations in their capacity as importers, exporters, seed producers, processors, analysts, identifiers or sellers.

#### Article 41

Persons or entities required under Article 13 to register in the National Register of Seed Trade and Supervision who fail to do so shall be liable to a reprimand and shall be required to regularize the situation within fifteen (15) days of receipt of notification. In the event of non-compliance, they shall be liable to a fine of one thousand pesos (\$1,000). In the event of a second or third offense, the fine shall be a maximum of sixty thousand pesos (\$60,000).

#### Article 42

Failure to justify the use made of official labels acquired for "supervised" seed within the periods of time laid down by the regulations shall be punishable by a fine of twice the value determined for each label as laid down in Article 31(d).

#### Article 43

The seller shall be required to refund to the buyer the price of seed bought in infringement plus the cost of carriage. The buyer shall be required to return the seed he has not sown, together with the respective containers. Any expenditure resulting from this action shall be borne by the seller.

#### Article 44

The Ministry of Agriculture and Animal Husbandry may periodically publish the results of its inspections and samplings. It may also publish its decisions imposing penalties in two (2) newspapers, one (1) of which--at least--shall be a newspaper of the locality where the infringer resides.

#### Article 45

Officials acting under this Law may carry out an inspection, take samples, and effect analyses and tests of seed stored, transported, sold or offered or displayed for sale at any time or place. They shall have access to any premises where seed is held and may request or examine any documents relative to seed. They may prevent or directly oppose the sale and movement of any lot of seed presumed to be in infringement for a period not exceeding thirty (30) days.

To this end, the Ministry of Agriculture and Animal Husbandry may in all cases where it deems fit, request the effective cooperation of other official agencies, as well as the assistance of the police

#### Article 46

The penalties for infringement of this Law and its regulations shall be imposed by the Ministry of Agriculture and Animal Husbandry, following a decision by the National Seed Commission. The persons on whom penalties have been imposed may appeal for reconsideration to the Ministry within ten (10) working days following notification of the penalty.

#### Article 47

The infringer may appeal from an adverse decision of the Ministry of Agriculture and Animal Husbandry to the Federal Court after paying the fine concerned within thirty (30) days of notification of the adverse decision.

#### Article 48

Application of the penalties under this Chapter shall not preclude such penalties as may be applicable for infringement of other statutory provisions.

### TRANSITIONAL PROVISIONS

#### Article 49

The holders of cultivars provisionally entered under Law No. 12.253 at the time of entry into force of this Law may request ownership of those cultivars as laid down in Chapter V.

#### Article 50

Articles 22 to 27--Chapter Promotion of Genetics--of Law No. 12.253 are hereby repealed together with any other provision contrary to this Law.

#### Article 51

Chapters I and II shall enter into force on the day that this Law is promulgated, the other Chapters and Articles 49 and 50 shall enter into force six (6) months after the promulgation of this Law. The Ministry of Agriculture and Animal Husbandry may postpone for up to eighteen (18) months the application of Article 9 for such seed as it deems fit.

#### Article 52

[Publication, etc.]

## ARGENTINA

IMPLEMENTING DECREE NO. 2183/91 TO THE LAW  
ON SEED AND PHYTOGENETIC CREATIONS\*

## CHAPTER I

GENERALArticle 1

For the understanding of the concepts used in Law No. 20.247 and in these Regulations,

- (a) "Seed" or "planting material" means any plant organ, not only seed in the strict botanical sense, but also fruit, bulbs, tubers, buds, cuttings, cut flowers and any other structures, including nursery plants, whenever intended or used for sowing, for planting or for propagation.
- (b) "Plant genetic creation" means any variety or cultivar, whatever its genetic nature, obtained by discovery or by incorporation and/or application of scientific knowledge.
- (c) "Variety" means a group of plants within a single botanical taxon of the lowest known rank which can be defined by the characteristics that are the expression of a given genotype or combination of genotypes and can be distinguished from other groups of plants of the same botanical taxon by at least one of the said characteristics. A particular variety may be represented by several plants, a single plant or by one or several parts of a plant, provided that such part or parts can be used for the production of entire plants of the variety.
- (d) "Breeder" means the person who breeds or discovers a variety or cultivar.

---

\* Spanish Title: Decreto Reglamentario de la Ley de Semillas y Creaciones Fitogenéticas No. 2183/91

Source: Boletín Oficial of November 1, 1991

Entry into Force: November 2, 1991

## CHAPTER II

NATIONAL SEED COMMISSION (CONASE)Article 2

The NATIONAL SEED COMMISSION (CONASE) shall exercise the function of adviser under Article 7 of the Law No. 20.247 under the jurisdiction of the SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES which will exercise full powers as the implementing authority under the said Law.

Article 3

In the cases for which provision is made in indents d) and e) of Article 7 of Law No. 20.247, the NATIONAL SEED COMMISSION (CONASE) shall give its opinion within a period of FIFTEEN (15) days. It can request a single extension of time of fifteen days when the completion of the task requires it. At the expiration of the said period, the implementing authority shall act on the matter without further formalities.

Article 4

The Technical Secretariat of the NATIONAL SEED COMMISSION (CONASE) shall perform its functions within the ambit of the implementing authority under Law No. 20.247 jointly with the committees provided for in Article 8 of the said Law.

## CHAPTER III

IMPLEMENTING AUTHORITYArticle 5

The SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES, as the implementing authority under Law No. 20.247, shall perform the tasks described in Article 6 of this Decree by means of the NATIONAL SEED SERVICE (SENASE), or any organization which replaces it in the future.

Article 6

The following shall be the functions of the NATIONAL SEED SERVICE (SENASE):

- (a) to keep the National Register for Seed Trading and Certification and to publish periodically the lists of establishments that constitute its sections;
- (b) to keep the National Register of Cultivars, to effect the registration ex officio of plant genetic creations that are a matter of common knowledge and to publish specific catalogues periodically;

- (c) to keep the National Register of Cultivar Ownership and to issue cultivar property titles;
- (d) to effect botanical, agricultural and industrial inspections of varieties that have been or are to be registered, and also of material subject to certification in plant research establishments;
- (e) to lay down provisions for the registration, operation and supervision of establishments that produce "certified" seed, and also of any other category of establishments that it sees fit to regulate;
- (f) to lay down with the advice of the NATIONAL SEED COMMISSION (CONASE) provisions for the registration and supervision of the growing and production of the various categories of seeds;
- (g) to carry out inspections of establishments producing certified and/or identified seed;
- (h) to carry out the inspection of planted material submitted for certification, and to authorize the sale of the production achieved;
- (i) to arrange for the printing of official labels for the identification of certified seed;
- (j) to sell the official labels to certified establishments;
- (k) to carry out the inspection of seed on sites of production, processing, trading or transport;
- (l) to determine the characteristics and procedures for the packing and labelling of planting material;
- (ll) to supervise the publicizing of the agronomic characteristics of varieties;
- (m) to supervise the import and export of seed under Law No. 20.247;
- (n) to direct the Official Board of Comparative Testing of Registered Cultivars, and to publish findings periodically;
- (ñ) to direct the Central Seed Testing Station and its associated laboratories; to lay down the provisions for the authorization and operation of seed-analysis laboratories;
- (o) to supervise the seed trade, exercising the police powers established by Article 45 of Law No. 20.247;
- (p) to publish periodically the results of the inspections and samplings provided for in Article 44 of Law No. 20.247;
- (q) to ensure compliance with Article 39 of Law No. 20.247;
- (r) to provide for control over the production and transport of seed prior to its identification;
- (s) to determine the fate of seed confiscated under Articles 35 to 38 of Law No. 20.247;
- (t) to provide the NATIONAL SEED COMMISSION (CONASE) with all information that may be requested of it for the satisfactory operation of the latter body;
- (u) to lay down provisions for the operation of quality certification schemes organized by species or groups of species;



- (v) to lay down provisions whereby the National Register for Seed Trading and Certification registers for publicity purposes, and at the request of interested parties, standard license contracts and/or ordinary licenses granted by breeders or associations of breeders and third parties;

The NATIONAL SEED SERVICE (SENASA) may, in order to carry out the afore-said functions better, seek the advice of the NATIONAL SEED COMMISSION (CONASE) on matters within its competence.

#### Article 7

The SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES may delegate the functions provided for in subparagraphs (g), (h), (j), (k), (ll), (o), (p), (q), (r) and (s) or Article 6 of this Decree by means of special arrangements with official agencies at national, provincial or municipal level, which shall remain under the supervision and direct responsibility of the implementing authority, subject to a prior ruling by CONASE. It may likewise entrust collaborative functions to private bodies with respect to the assignments provided for in subparagraphs (g), (h), (j), (k) and (n) of the said Article 6, by means of special arrangements under the supervision and direct responsibility of the implementing authority, subject to a prior ruling by the NATIONAL SEED COMMISSION (CONASE).

### CHAPTER IV

#### SEED

#### Article 8

For the purposes of the interpretation of Article 9 of Law No. 20.247, it shall be presumed that:

- (a) seed "exposed to the public" means all that which is available for delivery for whatever reason and in respect of which advertising, the display of samples, trading, offering for sale, display for sale, transactions, exchanges or any other forms of marketing take place, whether on properties or in premises, warehouses, depots, fields, etc., either in bulk or in containers of any kind.
- (b) Seed "delivered to users for whatever reason" means all that seed which is:
- (i) in vehicles destined for users;
  - (ii) in the possession of users.

Seed that has not been identified or is in the process of being identified and does not fall into the above categories shall be regarded as not exposed to the public.

Supervision of the production and transport of seed prior to identification shall be organized by the SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES jointly with the organization which is competent in the particular case.

The Law 19.982 on the Identification of Merchandise as amended shall apply subsidiarily for the purposes of identification.

#### Article 9

"Label" means any label, tag or printed slip of any kind pasted, stamped or tied on to the seed package or container. The implementing authority shall lay down rules concerning the use, characteristics and constituent materials of labels, packages and containers and any other elements suitable for identifying, containing or protecting planting material.

#### Article 10

The class of "identified" seed shall include the following categories:

- (a) "common": where the name of the variety is not given;
- (b) "listed": where the name of the variety is given. The implementing authority shall specify the cases in which the cultivar may or should be mentioned, for which purpose it may seek the advice of the NATIONAL SEED COMMISSION (CONASE).

#### Article 11

The class of "certified" seed contains the following categories:

- (a) "original" (basic or initial): the progeny of genetic, prebasic or elite seed, produced in such a way as it retains its purity and identity;
- (b) "certified first-propagation" (registered): the first-generation offspring of "original" seed;
- (c) "certified subsequent-propagation": seed produced from "original" or "first-propagation" planting material or from any earlier propagation stage; the implementing authority shall specify the stages of propagation;
- (d) "hybrid": planting material obtained as a result of the production cycle of first-generation hybrid cultivars.

#### Article 12

The SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES, on the advice of the NATIONAL SEED COMMISSION (CONASE), shall determine the species in respect of which it shall be mandatory or optional to produce and sell seed corresponding to the "certified" class.

Planting material corresponding to species where certification is optional may be marketed as "identified" except in the case of hybrid cultivars.

### Article 13

The import and export of seed shall take place through the agency of the SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES, which may grant or refuse import or export licenses in the light of an assessment of their compliance with requirements pertaining to registration, quality, health and certification of origin that have to be met by any seed according to its species, cultivar and destination, the latter term being understood to mean direct distribution, propagation or testing.

The import of seed of species declared "agricultural pests" is prohibited.

### Article 14

The SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES shall lay down, on the proposition of the NATIONAL SEED SERVICE (SENASE), the maximum and minimum periods determining liability for the quality of planting material.

The sale or display to the public of seed whose liability period has expired shall be prohibited.

The liability of the identifier or retailer shall end if, when the merchandise has been delivered, it is found that the containers have been tampered with or that the merchandise has been improperly stored by others.

The fact of pasting, stamping or attaching a label on to a package or container shall have the character of a sworn declaration on the part of the person who does so.

## CHAPTER V

### NATIONAL REGISTER OF CULTIVARS

#### Article 15

The National Register of Cultivars shall be organized in sections by species, botanical varieties or lower taxons where appropriate, according to the rules laid down by the NATIONAL SEED SERVICE.

#### Article 16

Those new or undisclosed cultivars that meet the requirements of Article 18 of this Decree shall be entered in the National Register of Cultivars, as shall, ex officio, those that are a matter of common knowledge on the date of entry into force of Law No. 20.247.

For those purposes:

- (a) "new or undisclosed variety" means any variety that has been identified for the first time, is covered by a property title issued by the implementing authority or has not yet been recorded, with a similar description, at the time of its submission to the National Register of Cultivars;
- (b) "variety that is a matter of common knowledge" means any variety that has appeared in scientific publications or in official or private catalogues in the country, or has been declared to be in the public domain in countries with which reciprocity agreements exist, and the characteristics of which, as required by Article 17 of Law No. 20.247, are known.

#### Article 17

Varieties already registered under Decree No. 50/89 shall remain on record in the official registers kept by the implementing authority.

#### Article 18

The application form for entry in the National Register of Cultivars shall have the character of a sworn statement and shall be filed with the implementing authority subject to compliance with the following requirements:

- (a) name, address and registration number of the applicant in the National Register for Seed Trading and Certification;
- (b) name, address and professional registration number of the agronomist sponsoring the registration;
- (c) common and scientific names of the species;
- (d) name of the variety;
- (e) establishment and locality in which the variety has been produced, with an indication where appropriate of the country of origin;
- (f) morphological, physiological, health, phenological and physico-chemical features, and the most striking industrial or technological properties that allow it to be distinguished. Photographs, drawings or any other commonly-accepted technical means of illustrating morphological aspects shall be enclosed.

#### Article 19

For the purposes of compliance with the provisions of subparagraph (d) of the foregoing Article, it shall be considered that:

- (a) varieties to be registered must be designated by a denomination intended to be its generic designation in accordance with the provisions of Article 17 of Law No. 20.247; that denomination shall combine the following characteristics:
  - (i) it shall permit identification of the variety;
  - (ii) it may not be composed solely of numerals, except where that is a common practice in the designation of varieties;
  - (iii) it may not mislead or confuse as to the characteristics, value or identity of the variety or as to the identity of its breeder;

(iv) it must be different from any denomination that designates a pre-existing variety of the same botanical species or a similar species in any other country;

The NATIONAL SEED SERVICE (SENASA) may refuse the registration of a variety whose denomination does not combine the aforesaid characteristics, and shall demand the proposal of another denomination within 30 days of the notification of refusal;

(b) The implementing authority may in addition require the breeder to change the denomination of a variety when:

(i) it affects prior rights granted by another country;

(ii) registration is sought for a denomination different from the one registered for the same cultivar in a State or States with which the Argentine Republic has signed agreements on the subject.

#### Article 20

Any person who places on sale or in any way markets or handles in any capacity planting material of a variety protected by a property title shall be obliged to make use of the denomination of that variety, even after the property title has expired, provided that previously-acquired rights are not affected thereby. The denomination of the variety may likewise be accompanied by a trademark or trade name or similar sign, in so far as it does not mislead as to the denomination of the variety or the name of the breeder.

#### Article 21

If a cultivar is registered in the National Register of Cultivar Ownership, the approved denomination thereof shall be registered at the same time as the property title concerned is granted.

#### Article 22

The implementing authority may request the submission of additional information on agronomic properties: genetic origin, proof of health status, agro-ecological qualities and proof of industrial value.

#### Article 23

The NATIONAL SEED SERVICE (SENASA) shall regulate the registration of varieties in the National Register of Cultivars, which shall be given priority according to the hour and date of submission, and which may be registered either provisionally or finally, while registration may also be refused, and the exercise of the rights deriving from grant suspended, or rights already registered may be cancelled, where anomalies or defects that warrant such a step are detected. The measure shall be subject to appeal by referral to the Federal Courts of Administrative Litigation.

Article 24

The National Seed Service (SENASA) shall satisfy itself of the authority or scientific value of catalogues or publications invoked in cases of synonymy, and shall set the date from which the simultaneous use of different names for the same variety is to be prohibited.

Article 25

Where varieties belonging to a species whose registration has been organized and implemented have not themselves been registered or where their registration has been cancelled in the National Register of Cultivars, their distribution on whatever grounds shall be prohibited.

## CHAPTER VI

CONDITIONS FOR THE GRANT OF TITLES OF OWNERSHIPArticle 26

For a variety to be the subject of a property title it shall meet the following conditions:

- (a) Novelty: It shall not have been offered for sale or sold by the breeder or with his consent:
  - (i) in the national territory, before the date of filing the application for inscription in the National Register of Cultivar Ownership;
  - (ii) in the territory of another State with which the Argentine Republic has a bilateral or multilateral agreement on the subject for a period greater than FOUR (4) years or, in the case of trees or vines, for a period greater than SIX (6) years before the application for inscription in the National Register of Cultivar Ownership;
- (b) Distinctness: It must be clearly distinguishable by means of one or more characteristics, from any other variety whose existence is a matter of common knowledge at the time of the filing of the application. In particular, the filing of an application for the granting of a breeder's right or for the entering of another variety in an official register of varieties, in any country, shall be deemed to render that other variety a matter of common knowledge from the date of the application, provided that the application leads to the granting of a breeder's right or to the entering of the said other variety in the official register of varieties, as the case may be.
- (c) Uniformity: Subject to predictable variations due to the specific features of its propagation, it must retain its most significant hereditary characteristics in a sufficiently uniform manner;
- (d) Stability: its most significant hereditary characteristics must remain true to the description thereof after repeated propagation, or, in the case of a particular cycle of propagation, at the end of each such cycle.

Article 27

The grant of a property title in a variety, in so far as it meets the conditions specified in this Title and the denomination of the variety conforms to the provisions of Articles 19, 20 and 21 of this Decree, may not be made subject to any additional condition other than payment of the appropriate fee.

CHAPTER VII

RECORDING IN THE NATIONAL REGISTER OF CULTIVAR OWNERSHIP

Article 28

The National Register of Cultivar Ownership shall be organized in sections by species, botanical varieties or lower taxons where appropriate, as directed by the implementing authority.

Article 29

The application for registration in the National Register of Cultivar Ownership shall have the character of a sworn statement, and shall be filed with the implementing authority, subject to compliance with the following requirements:

- (a) name, address of the breeder or discoverer or his national representative if appropriate;
- (b) name, address and professional registration number of the agronomist sponsoring the registration;
- (c) common and scientific names of the species;
- (d) name proposed for the variety;
- (e) establishment and locality in which the variety was bred;
- (f) description: this must cover the morphological, physiological, health, phenological and physico-chemical features, and also the industrial or technological properties that allow it to be identified; drawings, photographs or any other commonly-accepted technical means of illustrating morphological aspects shall be enclosed;
- (g) justification of novelty: reasons for which it is considered that the variety possesses new and undisclosed character, with evidence of differentiation in relation to existing varieties;
- (h) verification of stability: date on which the cultivar was propagated for the first time as such, for verification of stability;
- (i) origin: national or foreign, with an indication in the latter case of the country of origin;
- (j) reproductive or vegetative propagation mechanism;
- (k) other additional conditions for species that so require, as established by the NATIONAL SEED SERVICE (SENASE).

The implementing authority may, when it considers this necessary, require field trials and/or laboratory tests for the verification of the characteristics attributed to the new cultivar.

#### Article 30

The filing of the application for the registration of a variety in any State with which the Argentine Republic has a bilateral or multilateral agreement on the subject shall give the applicant priority for TWELVE (12) months for its registration in the National Register of Cultivar Ownership: that period shall be calculated as from the day following that of first filing in any such State. On its expiration, the applicant shall have a period of TWO (2) years in which to submit the documentation and material required by Article 29 of this Decree.

#### Article 31

Any decision to grant a right of ownership of a variety shall require an examination for compliance with the conditions provided for in Chapter VI of this Decree. In the course of the examination, the NATIONAL SEED SERVICE (SENASA) may grow the variety or carry out other necessary tests or take into account the results of growing tests or other trials which have already been carried out. For the purposes of examination, the authority may require the breeder to furnish all the necessary information, documents or material, which should be available to the implementing authority for the validation of the title of ownership.

#### Article 32

The SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES, on the advice of the NATIONAL SEED COMMISSION (CONASE), shall enact provisions governing the procedure for the recording of cultivars in the Register. The provisions to be enacted shall be without prejudice to the right of third parties to make such oppositions as they consider appropriate.

#### Article 33

The SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES, when it has all the facts of the case in its possession, shall decide on the grant of the property title and shall make the appropriate communication to the applicant and shall issue the title.

#### Article 34

If the decision of the SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES is to refuse registration, this shall be brought to the notice of the applicant in order that he may produce specific proof concerning the aspects objected to within a maximum period of HUNDRED AND EIGHTY (180) days.

If the applicant does not contest the refusal of his application, he shall be regarded as having renounced it.



If he does contest the refusal, the SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES shall have THIRTY (30) days within which to pronounce on the subject, for which purpose it may seek the advice of the NATIONAL SEED COMMISSION (CONASE).

#### Article 35

The breeder's right shall be declared null and void when it is established that, at the time of the grant of the title of ownership:

- (a) The conditions laid down in indents (a) and (b) of Article 26 were not effectively complied with.
- (b) Where the grant of the breeder's right has been essentially based upon information and documents furnished by the breeder, the conditions laid down in indents (c) and (d) of Article 26 were not complied with.

The right of the breeder shall not be declared null and void for reasons other than those referred to in this article.

#### Article 36

The right of the breeder in a variety shall lapse in accordance with the provisions of Article 30 of Law 20.247 for the following reasons:

- (a) The breeder surrenders his rights, in which case the variety falls into the public domain.
- (b) When it is shown that it has been obtained by fraud upon a third party, in which case the right shall be transferred to its legitimate owner if he can be identified. In the contrary case, it shall fall into the public domain.
- (c) Upon termination of the legal period of ownership, after which it passes into the public domain.
- (d) When the breeder is not in a position to provide the implementing authority with the materials considered necessary to control the maintenance of the variety, as required by Article 31 of this Decree.
- (e) For failure to pay the annual fee to the National Register of Cultivar Ownership for a period of SIX (6) months from the making of a demand for payment, after which the variety passes into the public domain.

The breeder may not be deprived of his right for reasons other than those mentioned in this Article.

#### Article 37

Property titles for cultivars shall be granted for a maximum of TWENTY (20) consecutive years for all species.

The SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES may specify other, shorter periods, depending on the nature of the species.

Article 38

When the property title has been granted, the relevant decision of the SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES shall be published in the Official Gazette at the expense of the party concerned.

Surrenders of titles, cancellations and transfers shall also be published at his expense.

Article 39

Any transfer of the property title shall take place in the form of a request that states the names and addresses of the transferor and transferee, and shall be accompanied by the legal document evidencing the said transfer. The record of transfer shall be entered in the National Register of Cultivar Ownership and on the property title. The transferee shall remain subject to the same obligations as the transferor.

Article 40

Where the breeding of a new variety has been achieved by two or more persons, ownership thereof shall be governed by the rules of the Civil Code on joint ownership.

In the case of persons who have collaborated in the breeding of the variety in the course of employment relations, the provisions of Article 82 of the Law on Employment Contracts, No. 20.744, and amendments thereto, shall apply.

## CHAPTER VIII

THE RIGHTS OF THE BREEDER. SCOPE AND RESTRICTIONSArticle 41

For the purposes of Article 27 and related Articles of Law No. 20.247, and also the present Regulations, the property rights granted to a breeder in respect of a variety shall have the effect of making his prior authorization necessary for the acts specified below in relation to the planting material of the protected variety:

- (a) Production or reproduction;
- (b) Conditioning for the purposes of propagation;
- (c) Offering for sale;
- (d) Sale or any other form of marketing;
- (e) Export;
- (f) Import;
- (g) Advertising, display of samples;

- (h) Exchange, transfer and any other form of commercial transaction;
- (i) Stocking for any of the purposes mentioned in subparagraphs (a) to (h);
- (j) Any other delivery, in whatever connection.

#### Article 42

The breeder may make his authorization of the acts specified in the foregoing Article subject to conditions defined by himself, including for instance quality control, inspection of plots, volume of production, royalty percentages, periods, authorization to sublicense and other such restrictions.

Where a breeder makes a firm public offer of licensing, it shall be presumed that whoever carries out any of the acts specified in the foregoing Article has secured authorization therefor.

#### Article 43

The ownership of a variety shall not prevent its use as a source of variation or as a provider of desirable characteristics in plant improvement work.

To that end, it shall not be necessary either to know the breeder or to secure his authorization. However, the repeated and/or systematic use of a variety as a necessary means of producing commercial seed shall require the authorization of the said owner.

#### Article 44

The authorization of the breeder of a variety shall not be required, in accordance with the provisions of Article 27 of Law No. 20.247, when a farmer saves and uses as planting material on his own holding or estate, the product of the harvest which he has obtained by planting on the said holding or estate a protected variety.

#### Article 45

Final decisions handed down by the administrative bodies created by Law No. 20.247 and by this Decree shall be subject to appeal before the Federal Courts of Administrative Litigation together with consequential decisions involving ownership of varieties which in the field of private law can result from the breach of other legal rules.

#### Article 46

The "restricted public use" declaration shall be published in the Official Gazette and in one specialized publication, which latter shall request submissions from interested third parties, together with the minimum technical and economic guarantees and any other requirements that have to be met by such applicants.

**Article 47**

Any exploitation under "restricted public use" provisions shall be registered by the implementing authority.

Interested third parties shall be registered by the same authority, with an indication of name and address, and of the locality and area of the exploitation to be undertaken and information on compliance with the technical and economic guarantees imposed.

**Article 48**

The implementing authority shall undertake the verification of the existence of original seed of the "restricted public use" variety in the exploitation thereof by licensed third parties. Any surplus planting material shall be returned to the owner of the variety on expiry of the period for which "restricted public use" has been declared.

**Article 49**

The names of varieties that become public property shall have the same character, even where they have also been registered as trademarks.

**Article 50**

The fees and fines provided for in Chapters VI and VII of Law No. 20.247 as amended shall be paid to the implementing authority.

## CHAPTER IX

**TRANSITIONAL PROVISIONS****Article 51**

This Decree shall enter into force on the day following its publication in the Official Gazette.

**Article 52**

Decree No. 50 of January 17, 1989, shall be repealed on the coming into force of this Decree.

**Article 53**

This Decree is to be communicated, published, conveyed to the National Directorate of Official Registration and placed on record.

---

**GENERAL STUDY**

---

**TRANSGENIC VARIETIES: A CHALLENGE FOR OFFICIAL VARIETY TESTING\***

Dirk Böringer\*\*

**I. INTRODUCTION**

On the occasion of the centenary of plant variety testing in Hungary, we congratulate all the authorities of this beautiful and distinguished country. We express our esteem above all to that group of colleagues who set this important activity in motion a hundred years ago, accompanied it in the course of passing decades and are now responsible for it in the Hungary of today.

Now of course official variety testers can only do their work if plant breeders continue to create new varieties. The actual breeding of new varieties is no doubt not so difficult; what is more difficult is for an official testing center to undertake systematic trials of the vast numbers of such varieties and to pass judgment on them with true expertise and fairness. And while this is difficult enough with traditionally-bred varieties, it can only become more difficult, in the future, with varieties that have been altered by genetic engineering.

**II. TRANSGENIC VARIETIES**

The German law regulating genetic engineering matters (the Genetic Engineering Law) defines genetically engineered or "transgenic" varieties as being varieties whose genetic material has been altered in a manner that does not occur under normal conditions of crossing or natural recombination.

The procedures for altering genetic material in this way include the following:

- (1) DNA recombination techniques, in which use is made of vector systems;
- (2) procedures whereby hereditary factors developed outside the plant are directly inserted into it;
- (3) cell fusion or hybridization procedures whereby living cells are formed with a new combination of genetic material using methods that do not occur under natural conditions.

In Germany we are expecting applications before the end of this year seeking variety protection for transgenic varieties and their inclusion in the list of varieties.

---

\* Presentation given at the Jubilee Meeting marking the centenary of plant variety testing in Hungary, held in Budapest, Hungary, from June 23 to 25, 1992

\*\* President of the Federal Plant Variety Office of Germany

### III. UPOV DEFINITION OF A VARIETY

The underlying assumptions of the UPOV Convention and the equivalent European Community regulations are that the method by which a variety is bred is not relevant; what is relevant is the result of the breeding process, in other words the variety as such. Transgenic varieties must therefore also conform to the definition that in principle applies to all varieties.

As it happens, a definition was worked out at last year's Diplomatic Conference for the Revision of the UPOV Convention which can be applied indiscriminately to all kinds of varieties, and therefore also to transgenic varieties. In somewhat simplified form it reads as follows:

"'Variety' means a plant grouping within a single botanical taxon of the lowest known rank, which grouping can be:

- defined by the expression of the characteristics resulting from a given genotype or combination of genotypes,
- distinguished from any other plant grouping by the expression of at least one of the said characteristics and
- considered as a unit with regard to its suitability for being propagated unchanged."

This modern, somewhat complex definition focuses attention directly on the genotype, and therefore also on the genome, which constitutes the variety. That is especially important for transgenic varieties.

### IV. CHARACTERISTICS FOR DISTINGUISHING VARIETIES

The starting point for every official variety examination is the test for distinctness, uniformity and stability. This test is based on morphological and physiological characteristics, which are generally quantitative characteristics such as the number of lateral branches on the maize panicle. They are to a greater or lesser extent influenced by environment, and for that reason less well suited to the characterization of varieties. What are better suited are the qualitative characteristics, like the form of the fruit in paprika, with the states of expression elliptical, triangular, rectangular and round. Experience has shown, however, that fewer than 20% of traditional characteristics are of the qualitative kind.

We are therefore looking all the harder for new qualitative characteristics. The direction of our search is tending to move away from the whole plant and concentrate more on the plant cell and ultimately the actual genome.

The Federal Plant Variety Office has for years used polymorphism in proteins, being the primary genetic product, as a new qualitative characteristic of the varieties of a number of plant species, including potatoes, wheat, barley, oats, triticale and inbred lines of maize. This characteristic can be used on a whole series of other species. It makes it possible to examine the genome in finer focus. Specific loci are scanned, and for every variety we obtain a unique combination of alleles. That combination of alleles is recorded and defined by a binary, absent-present method according to the sequence of the characteristics.

Unfortunately, with the primary genetic product, we are not free in our choice of loci: we have to confine ourselves to those that code visible proteins.

The polymorphism of DNA sequences can bring us more. With its help, alleles can be immediately identified in any locus, above all because we have a large selection of restriction enzymes at our disposal which are capable of cutting DNA up into specific segments. A number of different methods are available for this purpose, but as a group they are not easy to manipulate, and their application is still costly and time-consuming. Another condition determining their wider use is progress with genome analysis in major plant species.

#### V. VALUE CHARACTERISTICS FOR VARIETY ASSESSMENT

We must bear in mind that it is not the plant breeder's prime objective to breed varieties capable of being officially declared distinct according to all the official rules. Their prime objective is rather to breed varieties that are better in quantitative and qualitative terms, as much better than rival varieties as possible and with good market prospects.

That is why breeders and official variety testing centers alike are so much interested in genes that express economically important properties. Plant breeders concentrate on this also in the creation of transgenic varieties. Barley, maize, rye and sugar beet are thus arguably the most promising objects of international interest at the present time.

The testing of the performance characteristics of a variety takes place according to traditional methods. As the expression of those characteristics is consistently influenced by polygenetic factors, testing has to be done in different environments. Some care therefore has to be exercised in deciding whether a variety is really better than one already in existence.

Also with those quality characteristics which as secondary genetic products rely on internal compounds such as glucosinolates, alkaloids, carotenes, phenols, etc., we are faced with the fact that in each case their expression is entirely influenced by polygenetic factors. That applies also to susceptibility to pests and diseases. Only in the case of resistance to pathotypes and certain herbicide resistances do we encounter expressions clearly influenced by monogenetic factors, which make observations in the laboratory or in growing trials easier for us.

#### VI. TESTING OF TRANSGENIC VARIETIES

One thing is clear from what we have said: in principle transgenic varieties have to be tested in the same way as traditionally-bred varieties. At the same time certain special features have to be taken into account. They can be dealt with in the form of questions in the Technical Questionnaire that the applicant has to complete. We at the Federal Plant Variety Office intend to formulate this in the following way:

"Where the variety has been created by genetic manipulation within the meaning of the Genetic Engineering Law, please enclose a copy of the official clearance and also specify the original variety and the changes made in relation to that original variety."

This information is important for the following reasons:

- (1) In the case of a transgenic variety, it has to be given, because the testing center depends on it for a series of different assessments and measures.

- (2) Particular care has to be taken with matters of safety. A number of countries have already enacted special legislation that deals with questions of genetic engineering. Above all it is a matter of approval being necessary before genetically modified organisms are released into the environment. This approval is usually issued by a body different from the official body that has to test the variety as such. The position at present, as far as Germany is concerned, is that all matters of safety have to be cleared before an application concerning the variety is filed with the Federal Plant Variety Office.
- (3) It is imperative to specify the original variety that has been genetically modified, because the testing center can only then decide on the reference varieties with which the variety to be tested should be compared. That applies consistently to all pairwise comparison in either field trials or laboratory tests. In these it is not the role of the testing center to pronounce on whether or not the new transgenic variety is an essentially derived variety within the meaning of the new UPOV Convention.
- (4) In certain cases the testing center will require additional information as to how the genome of the original variety was changed. Only in that way can a decision be taken, should the situation arise, on the methods by which the new variety can be characterized and the characteristics that have to be used for the purpose.
- (5) There is a more far-reaching question linked to question (3), namely that of the characteristic by which the new variety is clearly distinguished from the original one. As before, the information is a valuable means of selecting characteristics and testing methods, but in borderline cases it is actually indispensable, because there can be a question of new methods of measurement for minimum distances.
- (6) Finally it could be interesting to have information on what actually effected the genetic change. What is meant is of course the economically relevant improvement, such as herbicide or pathotype resistance, for instance, a possible qualitative change in the fatty-acid complex or improved baking quality.

## VII. OUTLOOK

If we look into the future, some unresolved problem areas emerge:

- (1) Modern scientific and technical methods are leading official variety testing bodies closer to the genome, indeed even to the individual gene, in their distinctness assessment. Here the question of the minimum distances between two varieties arises once again. Not everything that can be recorded and in some cases identified using the subtlest methods is necessarily also an independent variety destined for meaningful economic exploitation.
- (2) The definition of the variety according to the UPOV Convention is based on the distinctness by at least one characteristic. Perhaps, in view of the constant refinement of methods of observation, we should also reflect on whether in the long term this is right for transgenic varieties. Other ways of defining minimum distances could always be devised; a day may come, for instance, when a distance is declared insufficient if it occurs in the expression of one gene only; rather a minimum distance occurring in two or more genes could be required, whereupon there would have to be



some additional discussion of whether those genes have to be located on different parts of the chromosome.

- (3) Official variety testing centers moreover have to accept the fact that the focus of distinctness testing will shift more and more from field trials to laboratory tests. In this the assistance of special laboratories will occasionally be necessary, and there will have to be intensive cooperation with the scientists and the actual plant breeders when testing methods are worked out, and it will no longer be sufficient for them to be determined nationally: there has to be discussion and harmonization of ideas, characteristics and methods at the international level. UPOV and the European Community will play a particularly important part in this.
- (4) A final, as yet largely unresolved question is that of the risks that might be associated with the distribution of genetically modified material. It is my belief that these potential dangers are not to be rated very highly in the case of transgenic varieties, but it is nevertheless wise to take due care when going to work in this area. All questions that have to do with clearance and approval for commercial distribution have to be settled at the international level.

In this presentation I wanted to make it clear that official variety testing centers are not being placed in a completely new situation by the advent of transgenic varieties: much of what has proved its worth will remain. Some things will however be new and others will become more complex. I am confident that we shall take up this interesting challenge for the benefit of plant breeders and the good of agriculture and consumers. Should we be invited to Budapest for the bicentenary of variety testing in Hungary, we will then be able to look back and report on the way in which we solved the problems.

---

**CALENDAR**


---

**UPOV Meetings in 1993**

March 9 and 10 (Cambridge, United Kingdom)	TWA: Cereals Subgroup
April 19 and 20	Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular
April 21	Administrative and Legal Committee and Technical Committee (joint meeting)
April 22	Administrative and Legal Committee
April 23	Consultative Committee
April 27 and 28 (Menstrup Kro, Denmark)	TWA: Rape Subgroup
June 2 to 4 (Cambridge, United Kingdom)	Technical Working Party on Automation and Computer Programs
July 6 to 9 (Arslev, Denmark)	Technical Working Party for Vegetables
September 20 to 24 (Wurzen, Germany)	Technical Working Party for Fruit Crops
September 30 and October 1 (Antibes, France)	TWO: Color Measurements Subgroup
October 4 to 8 (Antibes, France)	Technical Working Party for Ornamental Plants and Forest Trees
October 25 and 26	Technical Committee
October 27	Administrative and Legal Committee
October 28	Consultative Committee
October 29	Council
November 22 (Lincoln, New Zealand)	TWA: Soya Bean Subgroup
November 23 to 27 (Lincoln, New Zealand)	Technical Working Party for Agricultural Crops

---

The International Union for the Protection of New Varieties of Plants (UPOV)--an international organization established by the International Convention for the Protection of New Varieties of Plants--is the international forum for States interested in plant variety protection. Its main objective is to promote the protection of the interests of plant breeders--for their benefit and for the benefit of agriculture and thus also of the community at large--in accordance with uniform and clearly defined principles.

"Plant Variety Protection" is a UPOV publication that reports on national and international events in its field of competence and in related areas. It is published in English only--although some items are trilingual (English, French and German)--at irregular intervals, usually at a rate of four issues a year. Requests for addition to the mailing list may be placed with:

The International Union for the Protection of New Varieties of Plants (UPOV)  
34, chemin des Colombettes, 1211 Geneva 20 (POB 18)  
Telephone: (022) 730.91.11 - Telex: 412 912 ompi ch - Telefax: (022) 733.54.28