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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

Twenty-seventh Ordinary Session

Geneva, October 29, 1993

DRAFT PLAN FOR THE MEDIUM TERM FOR 1996 TO 1999

presented by the Secretary-General

INTRODUCTION

1. At its eighteenth ordinary session, the Council of UPOV adopted the proposal of the Secretary-General to introduce medium term plans for the program and budget of UPOV (see paragraph 86 of document C/XVIII/14). It was decided that such medium term plans should be drawn up, beginning with the period 1988-91, for four years each; they should be drawn up for the first time in 1985 and thereafter every fourth year (in 1989, for the period 1992-95, in 1993, for the period 1996-99; etc.). The present document contains the medium term plan for the years 1996-99.

2. The two-year period of 1994 and 1995 is hereinafter called "the next biennium," and the four-year period (1996, 1997, 1998 and 1999) following the next biennium is hereinafter called "the medium term."

3. The plan for the medium term 1996-99 is presented under three chapter headings: "background," "objectives" and "activities," the activities being designed to promote the achievement of UPOV's objectives in the light of the background.

CHAPTER I - BACKGROUND

4. The following background factors are considered to be likely to influence the environment in which UPOV pursues its objectives in the medium term:

- (i) the coming into effect of the 1991 Act of the UPOV Convention;

(ii) an increasing consciousness of the limited nature of the world's resources and a widening recognition of the notion of "sustainable development";

(iii) an increasing concern for the environment and the need to conserve plant genetic resources which will be reflected in tentative steps taken to implement the Convention on Biological Diversity and the agreed programs of action resulting from the United Nations Conference on Environment and Development known as "Agenda 21";

(iv) a continuing technological advance in the field of plant breeding and biotechnology;

(v) the availability of fast, accurate, increasingly inexpensive methods, arising from the above mentioned technological advance for the examination of plant varieties for the purposes of protection;

(vi) an increasing appreciation that plant breeding and associated advances in the biological sciences offer one of the few paths leading to sustainable development;

(vii) a continuation, on the one hand, of the wish of industrial and research circles that biotechnological inventions receive appropriate legal protection, either by an extension of the patent legislation or by improving the plant variety protection system or by both, and, on the other hand, of a resistance to such a wish by other interested groups in the name of the protection of the environment, the conservation of biological diversity, the "sanctity of life" and product safety;

(viii) continuing efforts by countries, which regard themselves as "gene-rich," to establish an international system which will enable them to share in the benefits derived from the exploitation of genetic resources which originate within their national frontiers;

(ix) an increasing recognition of the importance of plant breeders' rights as a means of complementing the patent system in providing legal protection for innovation in the field of plants and of the consequential importance of the expansion of UPOV if it is to play its full role in the worldwide protection system; the number of member States is likely to rise from, say, 25 at the beginning of the next biennium to at least 40 by the end of the medium term.

CHAPTER II - OBJECTIVES

5. The main objectives of UPOV for the medium term are the following:

(i) to secure accessions to the 1991 Act of the UPOV Convention;

(ii) to maintain and, if possible, to improve the efficiency and cost effectiveness of the plant breeders' rights system and the quality of the legal protection offered and to ensure that UPOV stays abreast of new developments in technology relevant to the legal protection;

(iii) to secure the financial or other resources necessary to ensure that UPOV is able to respond adequately to requests for advice, training and other developmental needs of the UPOV system of plant variety protection;

(iv) to establish worldwide--or as close as possible to worldwide--an understanding of the nature of plant breeders' rights, of the role of plant

breeders' rights in systems of intellectual property protection and of the appropriate interface between plant breeders' rights and other forms of legal protection within such systems;

(v) to participate in the debate on plant genetic resources in the implementation of the Convention on Biological Diversity and Agenda 21;

(vi) to secure respect for the protection offered by the system of plant breeders' rights.

CHAPTER III - ACTIVITIES

6. The following activities are considered by the Office to be appropriate to address the above objectives:

(i) The Council and its Consultative Committee will continue to fulfill their statutory tasks of directing and supervising the program of work and the management of UPOV, adopting the biennial programs and budgets and giving guidance to the subordinate Committees and to the Office for their future work. There is no necessity to make drastic changes in the nature of UPOV's activities or of its working methods. Questions requiring detailed discussion prior to their submission to the Council for decision will continue to be divided into those of an administrative and legal nature and those of a technical nature and will continue to be considered by the Administrative and Legal Committee and the Technical Committee, respectively, and by subordinate organs responsible to one or the other of those committees such as the five Technical Working Parties and their Subgroups. The increasing importance and growing complexity of legal and technical questions may call for the establishment of further subcommittees, subgroups or working groups of the Administrative and Legal Committee and of the Technical Committee and for some joint meetings of these Committees. Whilst it is expected that there will be no significant change in the number of sessions and of preparatory documentation for those sessions, it should be noted that the entry into force of the 1991 Act either during the next biennium or the medium term will require the full provision of Spanish interpretation and documentation.

(ii) As already stated, it is expected that the number of member States of UPOV in the medium term will considerably increase. In order to respond effectively to the requests of new member States for technical, legal and administrative assistance and education, it will be necessary for UPOV to give careful consideration to how such activities can best be organized and financed. In the latter respect, the securing of extrabudgetary resources will be of decisive importance.

(iii) Symposiums, seminars and/or workshops will be convened from time to time as need arises, and the resources available to UPOV permit.

(iv) Meetings with international organizations will be held when the necessity arises.

(v) A large part of the activity of the Office consists of the provision of information concerning plant variety protection and the promotion of its benefits. Such information is provided in UPOV publications and by the holding of symposiums and seminars. No change is anticipated in the publications of UPOV. There will be the two Collections which need continual updating ("Collections of Important Texts and Documents" in English, French, German and

Spanish; "Collection of Plant Variety Protection Laws and Treaties" in English), the UPOV Gazette and Newsletter ("Plant Variety Protection" in English), the Records of the Symposiums available to the public in four languages (English, French, German, Spanish) and of Seminars (available in the relevant language(s) of the Seminars), the records of the Meetings with International Organizations in English, French, German and Spanish which are primarily distributed to participants, the brochures containing the texts of the UPOV Convention in a dozen or more languages which might need to be reprinted or reproduced in additional languages, brochures updated on a biennial basis containing general information on UPOV in four languages, and leaflets containing general information on UPOV in six languages which will be updated annually.

(vi) The increase in the number of member States of UPOV during the medium term and the need for speedy and efficient exchanges of data between them will require the development and operation of systems for the centralized collection and distribution of data. The periodic production and distribution of a CD-ROM disk relating to variety denominations is the first example.

7. The Council is invited to note, with such comments as it may wish to make, the medium term plan for 1996 to 1999.

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