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INTERNATIONALER VERBAND
ZUM SCHUTZ VON
PFLANZENZÜCHTUNGEN

UNION INTERNATIONALE
POUR LA PROTECTION
DES OBTENTIONS VÉGÉTALES

INTERNATIONAL UNION
FOR THE PROTECTION OF
NEW PLANT VARIETIES

COUNCIL

Seventh Ordinary Session

Geneva, October 10 to 12, 1973

DRAFT REPORT

Part I, First Day

1. The seventh ordinary session of the Council of UPOV was held in Geneva at the headquarters of UPOV from October 10 to 12, 1973.

2. The list of the participants is contained in the Annex to this report.

Opening of the Session - Admission of Observers - Adoption of the Agenda (Items 1 to 3 of the Agenda)

3. The session was opened by Professor Esbo, Vice-Chairman of the Council of UPOV, who regretted that Professor Dr. L. Pielen, Chairman of the Council, was unable to chair this session owing to illness. He welcomed the participants and observers, especially those who were participating in the Council session for the first time, namely the observers from Australia, Canada, New Zealand and South Africa.

4. The Council unanimously admitted the observers.

5. The agenda, as set forth in document UPOV/C/VII/1, was adopted unanimously.

Adoption of the reports of the sixth ordinary and the first extraordinary sessions of the Council (Item 4 of the Agenda)

6. The reports, as contained in the documents UPOV/C/VI/12 and UPOV/C(Extr.)/I/2 were unanimously adopted with the following changes and observations:

In the report of the sixth session of the Council (UPOV/C/VI/12), an additional paragraph should be inserted between paragraphs 121 and 122, reading as follows:

"121 (a) The Council elected the persons mentioned in paragraph 118."

The Council noted that document UPOV/C(Extr.)/I/2 had originally, by mistake, been marked UPOV/C(Extr.)/VII/2, and made the necessary corrections.

Summary of the meeting of the Consultative Working Committee (Item 5 of the Agenda)

7. The Chairman reported that since the last Council meeting the Consultative Working Committee had held two meetings, namely on April 4 and 5 and October 9, 1973. All the matters discussed in the two meetings were covered by the present agenda and would be re-discussed by the Council in the course of the current session.

1972 Annual Report (Item 6 of the Agenda)

8. The Vice Secretary General introduced document UPOV/C/VII/4, which was adopted without change.

Financial Report for 1972 (Item 7 of the Agenda)

9. Discussions took place on the basis of document UPOV/C/VII/3.

10. Introducing the report, the Vice Secretary General drew attention to the conclusions of the Swiss Federal Audit Service, (chapter III of Annex B.2 to the document) which attest the accuracy of the accounts presented, and to the letter of the Federal Political Department transmitting the said report to the Secretary General, with a request that it be communicated to the Council. The Vice Secretary General registered his appreciation of the good work of the Administrative Division and of the Finance Section in particular.

11. The Vice Secretary General proceeded to explain that the large saving in 1972 was mainly due to the non-recruitment of staff during that year, which resulted in less salary expenditure than foreseen, and a reduction in activities with a consequent decrease in common expenditure.

12. The Chairman welcomed these unexpected savings and drew the Council's attention to the increase in the Reserve Fund to over 305,000 Swiss francs.

13. Dr. Böringer (Germany (Federal Republic of)) raised some questions as to the determination of the exact cost of certain missions and conferences and the Vice Secretary General explained that the splitting up of some of these expenses was difficult, if not impossible: for instance, he said that his missions to Paris, Amsterdam and London were all combined in one trip to save money and, for this reason, the cost thereof was reported as one figure.

14. Dr. Knobloch (Germany (Federal Republic of)) also pointed out an inaccuracy in the Audit Report, under Chapter I.3: Italy had also signed the Convention and its name should therefore be added. The Secretary General said that the matter would be brought to the attention of the Swiss Government.

15. The Council unanimously approved the accounts concerning the financial year 1972, in accordance with Article 21(e) of the Convention.

Draft Program and Budget for 1974 (Item 8 of the Agenda)

16. Discussions took place on the basis of document UPOV/C/VII/5 (UPOV/C/VII/5 Rev. for the English version).

17. Introducing the document, the Vice Secretary General stated that it was not known now whether the program proposed would be implemented in full as this would depend on the date on which the new Vice Secretary General would take up his duties; however, the proposals in the above-mentioned document were made on the assumption that the program would be carried out normally.

18. Mr. Rollin (United States of America), after having received the Chairman's assurance that the representatives of countries invited as observers were very welcome to participate in the discussions and to raise any questions they wished, asked what amount his country would have to pay for contributions in 1974 and for participation in the Working Capital Fund, should it decide to join UPOV on a Class I basis. The Secretary General stated that, on the basis of the present proposals, they would have to contribute 130,000 Swiss francs (5 units x 26,000 Swiss francs) for 1974, plus a once-only payment of 41,667 Swiss francs to the Working Capital Fund. The Vice Secretary General stated that the decisions concerning the Fund were contained in paragraphs 52 to 60 of document UPOV/C/VI/12.

19. Dr. Böringer (Germany (Federal Republic of)) stated that he was concerned about the yearly increases in the budget: 11% for 1974 over 1973 and some 6% for the tentative estimates for 1975 over the 1974 budget. He also expressed the opinion that, in spite of its relatively high level, the Reserve Fund should be used cautiously. The Chairman noted the German representative's remarks and said that the Secretariat would make all possible efforts to reduce unnecessary expenditure; however, this did not mean any delay in the recruitment of the new Vice Secretary General.

20. The Council unanimously

- (i) adopted the budget of a total expenditure of 640,000 Swiss francs;
- (ii) fixed the amount of the contribution unit at 26,000 Swiss francs and the contributions from member States accordingly as set forth in paragraph 17 of document UPOV/C/VII/5 (and Rev.);
- (iii) authorized that the budgetary deficit of 105,000 Swiss francs be covered by the Reserve Fund.

Amendment to the Rules of Procedure for Technical and Administrative Cooperation between UPOV and BIRPI (Item 9 of the Agenda)

21. The Secretary General introduced document UPOV/C/VII/7, which contained the amendments to document UPOV/C/IV/6. The changes mentioned were almost a formality, mainly to replace BIRPI by WIPO in references. No changes of substance had to be made except for the possibility of grade D.2 for the post of Vice Secretary General. This would also remain only a possibility for cases where the experience and qualities of a candidate justified such a grade.

22. Dr. Knobloch (Germany (Federal Republic of)) proposed changing the word "verfügt" to "beschliesst" on page 2 of the German version of document UPOV/C/VII/7. He also asked whether a document on the WIPO decision mentioned in the last paragraph of page 1 of the Annex to the above-mentioned document would be available for information, to which the Secretary General gave an affirmative reply. A few copies of the document in question (WO/GA/I/2) were later distributed to the representatives of the member States.

23. The Council proposed no further amendments and raised no further questions on document UPOV/C/VII/7.

Recruiting of a new Vice Secretary General (Item 10 of the Agenda)

24. The Secretary General introduced document UPOV/C/VII/9 and gave a short review of the background. According to Articles 21 and 23 of the Convention, the Council had to present a proposal for a new Vice Secretary General to the Swiss Government. The Consultative Working Committee had so far found it difficult to agree on one candidate for proposal to the Council--none of the applicants having entirely fulfilled the necessary requirements. The decision would also depend on negotiations with the new Secretary General. For these reasons the Council would be asked to agree on the proposal set forth in the above-mentioned document, to avoid having to hold an extraordinary meeting in December.

25. The Council unanimously agreed to this procedure and to the delegation of power as set forth in document UPOV/C/VII/9.

26. Mr. Derveaux (Belgium) said that the delays in Belgium in the introduction of plant variety protection were primarily due to administrative and financial factors. The Belgian Bill on the protection of plant varieties was now going through the stage of legal and professional consultations and was ready to be placed before Parliament, where it would be examined at once. In fact two bills would be presented: the one mentioned above, by the Minister of Agriculture, and the one constituting ratification of the Convention, which is to be presented by the Minister for Foreign Affairs and will probably be considered at the same time. There arose the question of ratification of the Additional Act of November 10, 1972. If the official translation of the Act was established by the Secretary General pursuant to its Article VIII, it would be possible for the competent Minister to ratify it at the same time as the principal Act, that is, the Convention itself. It was of interest, of course, to know how many genera and species would be protected as from the entry into force of the law. This was a question to which Mr. Derveaux was unable to reply with the necessary accuracy. It would be examined as soon as the consideration of the law by the Belgian Senate commission was certain. Any reply to this question was conditioned, in particular, by considerations of technical and administrative feasibility, and by the exigencies of the economy.

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27. Mr. Miauton (Switzerland) stated that in Switzerland the drafting of the Federal Law on the Protection of Plant Varieties, which would enable Switzerland to ratify the Convention, had progressed since November 1972 more or less according to the program outlined at the previous meeting of the Council. As a result of an initial consultation, a revised draft had been prepared: it was at present before the official departments and the professional organization concerned; this second consultation would be completed at the end of the month, but it was already apparent that the amended draft met with the approval of interested circles. It should therefore be possible to put the finishing touches to the Bill by the end of the year and submit it to the Federal Chancellery in January, in such a way that it could be considered by the Federal Parliament in the course of 1974. Parallel to the preparation of the Protection Bill, Switzerland was also working on the constitution of plant variety files, which would be necessary for the implementation of the Plant Varieties Law. No final choice had yet been made as to the genera in the list annexed to the Convention to which Switzerland would initially apply its provisions. Of the criteria which would be applied in the making of this choice, the following are worthy of mention:

(i) the existence of a variety file for the genus in question, or the possibility of making one on the basis of legislation on the seed and plant trade;

(ii) the possibility of entering into agreements with the services of other member States for the preliminary examination of new varieties of the genus concerned.

Being only a small country, Switzerland could only envisage the possibility of making preliminary examinations itself for a very small number of species, if any at all. It was therefore extremely interested in the possibilities of joint examination, and was particularly grateful to the Council for the trouble it was taking in that connection.

28. Mr. Croll (Australia) pointed out that a number of organizations and individuals in his country were very interested in what UPOV stood for and had made representations to the Australian Government in this connection. At present the Australian Government was not committed to any viewpoint in respect of a plant breeders' rights scheme. Inquiries, both internal and external, were being made in order to develop a considered attitude and to determine feasible courses of action. His attendance at this Council Meeting was evidence of Australia's interest in the activities of UPOV. Information on the efficiency of UPOV in attracting and influencing membership was of special value. Naturally, the likelihood of UPOV spreading its influence to Australia's neighbors in South East Asia was of particular relevance.

29. Mr. Meinx (Austria) pointed out that his country had in the previous year succeeded in reaching a uniform understanding on the subject of UPOV. Austria had two different laws, one on plant breeding and one on the seed trade. At first it had been thought sufficient to revise the law on the seed trade but, as both were closely interrelated, a complete change of both was found necessary. The main obstacles that confronted them were the competence difficulties between the Federal Government and the federated states. They hoped to solve these in the coming year.

30. Mr. Jefferson (Canada) said that his country did not have any legislation providing plant breeders' rights. Neither the Patents Act nor the Seeds Act lent themselves to amendment for this purpose. Therefore a new law would be necessary. The subject of Plant Variety Rights had been given serious attention for many years and particularly during the past three years. Information was being collected on rights legislation from all available sources and was being studied, as was the Paris Convention which established UPOV. There was much support for Plant Variety Rights in the seed trade, among seed growers and in the agricultural departments of the Provinces as well as in the Federal Department of Agriculture. Canada's experience was almost solely with public plant breeding in the Department of Agriculture and Agricultural Colleges: public varieties dominated the market for agricultural crops. Nonetheless, as a trading nation interested in the international seed market it was felt that provision had to be made for the grant of plant variety rights. Canada was at this stage proceeding with the drafting of a law and hoped to have a draft for consideration by all concerned in the near future.

31. Professor Manner (Finland) stated that there had been two Bills in Finland, one in 1966 and the other in 1971. Both had been rejected owing to an excess of proposals on the part of breeders and insufficient support. In March 1973 the Ministry of Agriculture had appointed a nine-member Governmental Committee to investigate the whole problem of plant breeders' rights and draft a new Bill by the end of June 1974. It now seemed for the first time that a solution had been found which would be satisfactory to all parties. It might well be possible to enact a law on plant breeders' rights in Finland within two or three years. The opportunity for Finnish representatives to take part in Council and Committee meetings was of quite considerable importance for the development of plant breeders' rights in Finland.

32. Mr. Rastin (Norway) stated that most plant breeding in his country was official in view of the considerable climatic differences within his country, which meant that many varieties were needed and the market for each variety was too limited to attract private breeders. Most private breeders concerned themselves only with ornamental plants. Public varieties needed no protection within the country, and only a few of them could be exported. Plant variety protection in Norway would therefore essentially consist in the protection of foreign varieties. Up to now Norway had not had a system for testing ornamental varieties in accordance with the UPOV Convention and satisfactory testing of varieties existed only for cereals and potatoes. Testing for distinctness, homogeneity and stability had just started for grasses and other fodder plants, and would follow soon for vegetables and different horticultural plants. It had been proposed that the State Seed Council should be responsible for testing and acceptance of all kinds of varieties, both agricultural and horticultural, as well as for the whole system of seed certification and the administration of a system for the protection of breeder's rights. However, Norway would not be able to join UPOV in the near future, that is, before 1975.

33. Mr. van Wyk stated that in South Africa plant protection was granted in terms of the Plant Breeders' Rights Act which came into operation in 1966. This Act was due to be revised within the near future on the lines of the Convention. Plant breeding in South Africa had in recent years moved into the hands of private breeders for the most part. Some official breeding work, mostly on species not covered by private breeders, was, however, also being carried out. Their Administration had set up a section charged with variety identification and verification. That section had available the necessary trial grounds, staff and facilities for carrying out its function. The section not only carried out tests in terms of the Plant Breeders' Rights Act but also for inscription of varieties in the Variety List maintained in terms of the Seeds Act. During the period July 1, 1972, to June 30, 1973, 91 applications for protection of plant breeders' rights and/or admission to the Variety List had been received. The most important kinds for which applications were usually received were: Maize, Sorghum, Cotton, Castor, Tomato, Bean, Wheat, Rose, Soya Bean, Pea, Peach, Lupin. In terms of the Seeds Act this section also carried out variety verification tests on imported and certified seed and seed sold in the domestic trade. For that purpose approximately 5,000 samples were currently grown annually for establishment of varietal purity. The most important species involved in verification testing were maize, tomato, sorghum, brassicas, pea, onion, soya bean. South Africa's Plant Breeders' Rights Act made provision for reciprocal arrangements with other countries regarding plant breeders' rights protection. That country was prepared to consider applications from countries seeking reciprocity in the matter. Although their Plant Breeders' Rights Act did not restrict the species for which protection might be obtained, the kinds of plants involved in such reciprocal arrangements would in the beginning have to be limited to those of economical importance to South Africa and settled by negotiation between the authorities in the applicant's country and South Africa respectively. South Africa was very interested in the activities of UPOV and was at present investigating the desirability and possibility of becoming a member of UPOV. It was impossible to say at that time whether and when South Africa was likely to join.

34. Mr. Vadell (Spain) stated that some progress had been made in his country since the previous year. Seed and nursery legislation had been adopted. The Ministry of Agriculture would be responsible for regulating the protection of plant breeders' rights. New posts had been created in the Instituto Nacional de Semillas (National Seed Institute) to take care of everything concerning the protection of plant breeders. A working group had prepared a Bill in conformity

with the Convention and submitted it to the Minister of Agriculture. The Minister had announced that the Bill would be discussed in Parliament shortly. In view of the urgent need for protection, a provisional order had been published which granted provisional protection to a few ornamental species.

35. Mr. Rollin stated that the United States had a Protection Act since 1970 and Regulation since 1972. Since then several forms had been devised (20) for computerization. At the moment 59 species obtained protection. Three hundred and eighty applications had been received but 300 were still pending, 49 had been cancelled, 15 certificates had been issued on the two species lactuca and soya. Others such as wheat, cotton, beans and peas and several flowers would follow soon. No steps had been taken to join the vegetative system of protection under a patent with that granted by the Protection Act, as it had first to be demonstrated that the new system worked well. But it was intended to combine both in the future, as at the moment for some species such as Poa (Kentucky blue grass) protection was possible under both systems (both for 17 years), the one protecting only propagation by seed, the other only propagation with vegetative material. Thus a breeder needed both if he wished complete protection. To combine both systems it would only be necessary to add the word "asexual" in their law. So far in the United States they had not had time to study the problems preventing that country from joining UPOV. They had asked for advice two years ago from UPOV as to where they did not comply with the Convention, but they had not yet received a reply. Unfortunately, the Vice Secretary General had to reply that it would also be difficult in the near future to prepare an answer because of the changes in the staff of the Secretariat.

36. The Chairman regretted that several States were not present and that the Council could therefore not hear statements from: Italy, Gabon, Israel, Kenya and New Zealand. Kenya had recently introduced a law on plant breeders' rights and it would have been interesting to know to what extent it also contained the same merit requirements as were mentioned in a publication of FIS. Miss Thornton (UK) added that in the United Kingdom they had seen New Zealand's draft law and they could see that New Zealand was taking active steps towards the introduction of a plant breeders' rights Act. Also, Japan which had been represented at the last Council meeting, had consulted the United Kingdom and was investigating the possibility of a plant breeders' rights Act.

Relations with Non-member States (Item 12 of the Agenda)

37. The Secretary General gave a short introduction to this problem and pointed out that the Consultative Working Committee had met the previous day to deal with the problem. It finally decided on the following.

38. The Consultative Working Committee would meet at the beginning of 1974 to discuss mainly two items:

(a) the question of reciprocity between the member States of UPOV and also the question between UPOV member States and non-member States;

(b) the possibility of the revision of the Convention, with special reference to the difficulties which face non-member States, and means of facilitating their accession to it.

After this meeting, a meeting at governmental level had been envisaged for the autumn of 1974 to study what steps were necessary to enlarge the number of member States of UPOV. On a question by the representative of South Africa as to whether papers produced as a result of the Consultative Working Committee meeting would also be presented to non-member States, it was assured that this would be so, in order to have a good basis for discussion at the next meeting. In view of the meetings envisaged above, the Secretary General proposed postponement of the discussion on this item until after those two meetings.

Symposium or Other Informative Meeting (Item 13 of the Agenda)

39. The Secretary General reminded the Council that a symposium had been planned for the current year but, unfortunately, owing to a number of difficulties in the United Kingdom, mainly the change of office from London to Cambridge, and entry into the EEC, the United Kingdom was unable to provide the necessary facilities

and therefore it had eventually been decided to postpone the symposium. Although there had been a certain impression that only few applications for participation had been received, the Vice Secretary General pointed out that the total correspondence, even after the cancellation, had reached an amount which showed that there still was great interest in a symposium and also good reason to discuss the possibility of a symposium in the future.

40. Dr. Böringer (Germany (Federal Republic of)) pointed out that it would be necessary to make it more clear that the envisaged meeting in the autumn of the following year would be quite a different thing from the planned symposium: it would be at governmental level and the main object would be to collect ideas from non-member States as to where the Convention might be too stringent and to try to reach a wide discussion for a possible amendment or revision of the Convention. He therefore asked the non-member States for their opinions on a meeting of this kind.

41. Mr. Rollin (United States of America) pointed out that he had studied the UPOV requirements and tried to find out the difficulties which prevented the United States from joining UPOV. Although the list he could give at the moment would be complete, the main problems would be

(i) the separation in the United States between offices which grant protection for seed-propagated plants and those which propagate on a vegetative basis (as an example he mentioned Kentucky Blue Grass, which could enjoy protection under both systems);

(ii) the difficulty in being forced, eight years after joining UPOV, to afford protection to all 13 species mentioned in the Annex. For example, the United States have exempted potatoes from protection, but as the list includes this species, it requires any future member States to protect it after a certain time. Therefore he proposed the list should not be so binding as, on the other hand, the United States gave protection to 212 other species;

(iii) the difficulty of the different lengths of the protection periods. For vines, for example, UPOV required 18 years of protection, while the United States only granted 17;

(iv) the differences in examination for the grant of rights. In the United States no field examination was necessary and he proposed to give the concept of examination a broader interpretation which could also cover examination without field tests;

(v) the nomenclature regulations which UPOV was preparing at the moment. In the United States, the Plant Protection Act did not contain nomenclature regulations. Only in the Seed Act did regulations of this kind exist.

At the request of the Vice Secretary General, he added that of course some of the aforementioned points were less important while others were so important that it seemed impossible to change them. The most difficult one seemed to be point 4, the examination question, whereas the difference in the protection between 18 and 17 years as mentioned could more easily be overcome. Of course also on this smaller item UPOV could consider accepting to agree, for example, to mention a protection period of 15 or more years, as even a small change in the law would require a lot of time.

42. Mr. van Wyk (South Africa), Mr. Jefferson (Canada) and Mr. Croll (Australia) pointed out that they were interested in having the opportunity to make some proposals and comments on the Convention and to present their difficulties in bringing their laws into agreement with it.

43. Dr. Böringer (Germany (Federal Republic of)) pointed out that the discussion might give some States the impression that they did not need to change their national laws at the moment, as UPOV intended to revise the Convention and it might be useful for them to wait. But this would be wrong as, although there would be a discussion on the revision of the Convention, it would still take several years before any changes would actually take place.

44. The Council agreed to postpone the discussion on item 14 of the agenda and to proceed with item 15.

Guidelines for the Preliminary Examination of New Plant Varieties and Joint Trial Arrangements (Item 15 of the Agenda)

45. The Vice Secretary General gave a short introduction, stating that, following approval by the Technical Steering Committee, a General Introduction to Guidelines and three Guidelines for maize, wheat and garden peas had been adopted and finally printed and distributed. Many other Test Guidelines were in a very advanced stage of preparation and would be presented to the next meeting of the Technical Steering Committee. The item on the agenda was mainly to inform the Council of this activity.

46. Mr. Butler (Netherlands) raised the question of a standardized application form, which appeared in the report of the last Technical Steering Committee under paragraph 124 of document UPOV/ST/II/6 (English version: /6 Rev.). In that paragraph it was pointed out that the problem of the harmonization of the application form should be brought before the Council. As nothing had been done so far, he proposed to put the item on the agenda of the next Technical Steering Committee meeting. Although the agenda had already been sent out, it would still be a good idea to present a new agenda with the inclusion of this item.

47. A discussion took place on the question of what forms should be discussed during the next meeting of the Technical Steering Committee. Should the Technical Steering Committee limit itself only to the technical questionnaire or should it also have a look at the application form?

48. On the one side it was pointed out that the Technical Steering Committee would not be the appropriate place to discuss the application form as it would involve essentially legal questions, which the Technical Steering Committee would not be able to solve. This idea was mainly supported by the United Kingdom and France.

49. On the other hand, it was pointed out that it would be good to see together all forms and annexes which a breeder had to complete before he could be granted protection. Although some of the forms might also involve legal matters, it would at least be good to have a look at all of them first after which there would still be time for a decision on whether the Technical Steering Committee should deal with it or, for example, the Consultative Working Committee.

50. Finally, the Council agreed that all the member States would, as time was short, send at the same time to all the other member States as well as to the Secretariat, a copy of all the forms a breeder had to complete before he could receive protection, which included the technical questionnaire, the application form and any other annexes which might be required by some countries. The application form would be presented only for information, and the Consultative Working Committee would perhaps have to deal with it later.

51. A discussion arose on the problem as to whether the individual Test Guidelines should somewhere mention a central testing station and/or central testing facilities.

52. Miss Thornton (United Kingdom) supported the idea of mentioning the central testing facilities in each set of Guidelines as this would provide useful information, not only for the breeders but also for other States, on where testing facilities existed.

53. Dr. Böringer (Germany (Federal Republic of)) pointed out that the Technical Steering Committee had discussed this problem for the Test Guidelines for *Euphorbia fulgens* and apples, and had agreed not to mention the central testing station and facilities mainly for the following two reasons:

(a) the Technical Steering Committee should deal only with technical things and leave aside the administrative matters which would be involved with a central testing station;

(b) the Technical Steering Committee had welcomed the fact that some member States offered testing facilities for several species, but this was only an offer and could never be binding either on the other member States or on the States which had offered the testing facilities. This would mean that the State offering the testing facilities should be free to discontinue the testing while, on the other hand, any member State should be free to discontinue making use of the offered facilities.

54. As a compromise, it was finally agreed that there would be no mention of the testing facilities in the Test Guidelines, but that a special document would be prepared containing information as to which countries offered testing facilities, and for which species. As the Council would have to prepare this document, the Secretariat offered to prepare a draft before the end of this Council session containing the information the Secretariat had so far received.

Cooperation with ASSINSEL and other organizations

55. Mr. Laclavière (France) pointed out that he had participated since 1949 in the meetings of ASSINSEL and, as ASSINSEL had also taken part in the preparation of the meeting which led to the UPOV Convention, he considered it wise to try and achieve cooperation with ASSINSEL, CIOPORA and whatever other organizations there might be.

56. A discussion took place on this item, during which it was pointed out that ASSINSEL and CIOPORA in particular, but perhaps also FIS, should be allowed to participate in the work on the Test Guidelines. As, of course, any further work on the Test Guidelines, and especially the waiting for comments from ASSINSEL and CIOPORA would delay by probably a year the drafts of Test Guidelines which at present were almost in their final form, it was agreed that the Technical Steering Committee should continue with those Test Guidelines and those which were approved by it at the next meeting should be published and distributed. Also the other Test Guidelines should be produced as soon as possible for all crops. The Secretariat would have to draft a letter to ASSINSEL and CIOPORA inviting them to send their remarks on the distributed Test Guidelines. The remarks would then be looked at by the Technical Steering Committee, which would decide whether the Test Guidelines should undergo revision. Depending on the number of remarks and problems raised--for the moment this should only be done by mail--the Technical Steering Committee would then consider whether it was appropriate to convene the organizations to a hearing at some of the following Technical Steering Committee meetings.

Reports from member States on the harmonization of lists of species eligible for protection (Item 16 of the Agenda)

57. The Vice Secretary General reminded the Council that it had decided in 1971 to invite member States to consider species which were protected in three member States and whether they could possibly extend protection also in their countries. A complete list of species protected in three or more member States appeared in document UPOV/C/V/32. An additional document (UPOV/C/VII/12) contained a complete list of species protected in at least one member State. Document UPOV/C/VII/13 contained an addendum to this list.

58. Mr. Laclavière (France) pointed out that France was currently preparing a list of genera which would receive protection in the future in France. This list would contain rape, sunflower, egg plant, chestnut, blackcurrant, raspberry, apple, chrysanthemum and almond.

59. Mr. Butler (Netherlands) informed the Council that his country intended to extend the list to the following species: *Poa compressa*, *Poa palustris*, *Anthurium*, azalea and rhododendron, *Cyclamen*, *Gerbera*, *Lilium*, *Nerine*, *Allium* (also ornamentals), African violet and *Begonia elatior*.

60. Miss Thornton (United Kingdom) informed the Council that her country planned to extend protection to Timothy, Cocksfoot, Tall Fescue, Meadow Fescue, Red Clover, White Clover, Lilies, Amenity Grasses (with the help of the testing facilities of the Netherlands) and maize (with the help of the testing facilities of France).

61. Dr. Böringer (Germany (Federal Republic of)) informed the Council that the list in his country would probably be extended as described in document UPOV/C/VII/13, which contained an error, mentioning January 1, 1973, instead of 1974. He added that, in his country, it had become clear that the central testing stations were very helpful in extending the list of species protected but that professional organizations were often against an extension of protection, especially where there were only a few breeders in the country, but the endproduct was nevertheless commercialized in it. Therefore, discussions should take place in order to reach agreement between member States on the grant of protection to some species at the same time in the different countries, and thus to reduce the pressure on the organizations.

62. Mr. Mejegaard (Sweden) pointed out that since the entry into force in 1971 no changes had been made to the list, but they planned to extend protection to chrysanthemums, Euphorbia and other ornamentals, although they had no testing facilities for them at the moment.

63. Mr. Søndergaard (Denmark) informed the Council that his country had extended their protection for Poa, as previously they had only granted protection to Poa pratensis and Poa trivialis, whereas they had now extended it to all Poa species. In addition, they had extended the protection to Streptocarpus and were discussing an extension of protection also to Saintpaulia and Begonias, but, for the moment, Danish law did not allow testing to be done abroad, and they still had to await an amendment of this law.

64. Mr. Butler (Netherlands) pointed out that the list of species, as reproduced in document UPOV/C/VII/12, had a twofold purpose:

(a) the mentioning of the species which were protected in the different member States and

(b) a glossary of names for those species.

As the limits of a botanical name and common names were not always the same, it was difficult to give a good translation of the Latin name, and therefore he proposed to separate the two items. He also thought it less important to have a glossary at the moment, as glossaries were made in other places also.

65. The difficulty of using both Latin names and common names was also mentioned, and it was pointed out that the correction of the Latin names should not be the task of UPOV. For the common names, Miss Thornton promised to send in some information on places where common names should be changed, as the list still contained some very old ones.

66. It was finally agreed that UPOV should keep the list up to date and that the items should appear on every agenda of the Council, thereby ensuring the most recent information at all times and facilitating the harmonization of protection in the different member States. Thus every member State would inform the Secretariat when a final decision had been taken on the extension of protection to other species.

/Annex follows/

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