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UPOV

C/XIV/15

ORIGINAL: English

DATE: October 20, 1980

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

**Fourteenth Ordinary Session
Geneva, October 15 to 17, 1980**REPORT
ON THE DECISIONS OF THE COUNCILadopted by the Council

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its fourteenth ordinary session in Geneva from October 15 to 17, 1980.
2. The session was presided over by the President of the Council, Mr. H. Skov (Denmark).
3. The list of participants is attached as Annex I to this document.
4. A more detailed report will be prepared shortly after the session and will be adopted by correspondence.

Adoption of the Agenda

5. The Council unanimously adopted the agenda as appearing in document C/XIV/1, subject to the inclusion of the following item:

"Adoption of the detailed report on the thirteenth ordinary session of the Council."

Lectures and Discussions on "The Use of Genetic Resources in the Plant Kingdom"

6. The Council devoted its meeting of October 15 to lectures and discussions on "The Use of Genetic Resources in the Plant Kingdom." The proceedings of this symposium will be published in a special issue of the UPOV Newsletter.

Adoption of the Detailed Report on the Thirteenth Ordinary Session of the Council

7. The Council unanimously adopted the detailed report on its thirteenth ordinary session as appearing in document C/XIII/17.

Present Situation, Problems Arising and Progress Achieved in the Legislative, Administrative and Technical Fields

8. The Council noted the declarations made under this agenda item by the representatives of the States represented in the session. Furthermore, the Council noted the contents of documents C/XIV/5, 6 and 7.

Report by the President on the Work of the Twenty-First and Twenty-Second Sessions of the Consultative Committee

9. The Council noted the report by the President on the work of the twenty-first and twenty-second sessions of the Consultative Committee. That Committee concentrated mainly on the preparation of the current session of the Council, in particular on the organization of the symposium part.

Report by the Secretary-General on the Activities of the Union in 1979 and in the First Nine Months of 1980

10. The Council unanimously approved the report by the Secretary-General as contained in document C/XIV/2 and in its supplements (documents C/XIV/2 Add. and C/XIV/2 Add. 2).

Report by the Secretary-General on His Management and the Financial Situation of the Union in 1979

11. The Council unanimously approved the report by the Secretary-General contained in document C/XIV/3. In this connection the member States were invited to endeavour to pay their annual contributions as early as possible in each financial year.

Presentation of the Report Concerning the Auditing of the Accounts for 1979

12. The Council noted the report contained in document C/XIV/3, Annex B, and approved the accounts of the Union for the year 1979.

Progress of the Work of the Administrative and Legal Committee

13. The Council unanimously approved the report on the progress of the work of the Administrative and Legal Committee as contained in document C/XIV/8.

14. The Council unanimously adopted the UPOV Model Form for the Interim Report on the Examination of a Variety as contained in Annex I to document C/XIV/8, subject to a possible deletion of its item 5 as a result of the establishment of a UPOV Model Form for the Notification of the Receipt of the Plant Material Necessary for the Examination by the Administrative and Legal Committee at its forthcoming session.

15. The Council unanimously adopted the Recommendation on Fees in Relation to Cooperation in Examination as contained in Annex II to document C/XIV/8, subject to the following amendments:

(i) The expression "300 to 400 Swiss francs" appearing in paragraph (1)(a) was replaced by "350 Swiss francs";

(ii) The expression "a lower fee level" appearing in paragraph (3) was replaced by "a different fee level."

The recommendation as adopted by the Council is reproduced in Annex II to this document.

16. The Council unanimously adopted the amended version of the UPOV Model Agreement for International Cooperation in the Testing of Varieties as contained in Annex III to document C/XIV/8.

17. The Council also noted with approval the plans for the future work of that Committee as indicated in document C/XIV/8.

Progress of the Work of the Technical Committee and of the Technical Working Parties

18. The Council unanimously approved the report on the progress of the work of the Technical Committee and of the Technical Working Parties. It further noted with approval the plans for the future work of those bodies as indicated in document C/XIV/9.

Report on the Activities Resulting from the Diplomatic Conference 1978

19. The Council unanimously noted with approval the report on those activities as contained in document C/XIV/11.

Examination and Approval of the Program and Budget of the Union for 1981

20. The Council unanimously approved the program and budget for 1981 as appearing in document C/XIV/4, subject to the amendments recorded in document C/XIV/12 and resulting from a reduction of the number of days of meetings as shown in document C/XIV/10 Rev. On the basis of the present situation with regard to the contributions to the budget of the Union, the value of the contribution unit amounts to 43,100 Swiss francs and shows an increase of 1.35% over the value of the contribution unit for 1980.

Calendar of Meetings in 1981

21. The Council fixed the calendar of meetings for 1981 as appearing in document C/XIV/10 Rev.

Admission of Observers to the Ordinary Council Sessions and Certain Meetings of UPOV

22. The Council unanimously decided that Zimbabwe should be invited to participate as an observer in the ordinary Council sessions.

23. The Council unanimously decided that the non-member States which have signed the Revised Text of the Convention--i.e. Canada, Ireland, Japan, Mexico, New Zealand and the United States of America--should be invited to participate as observers in the sessions of the Technical Committee.

Election of the New President and of the New Vice-President of the Council

24. The Council unanimously elected its present Vice-President, Mr. W. Gfeller (Switzerland), as its President for a term of office expiring at the end of the seventeenth ordinary session of the Council, which will be held in 1983.

25. Mr. W. Gfeller having been elected President of the Council, the Council unanimously elected Mr. W. van Soest (Netherlands) as its Vice-President for a term of office expiring at the end of the fifteenth ordinary session of the Council, which will be held in 1981.

26. The Council thanked the outgoing President, Mr. H. Skov (Denmark), for his invaluable contribution to the development of the Union, in particular as President of the Council and as President of the 1978 Diplomatic Conference.

Election of the New Chairmen of the Administrative and Legal Committee and of the Technical Committee

27. The Council unanimously elected:

(i) Mr. P.W. Murphy (United Kingdom) as Chairman of the Administrative and Legal Committee;

(ii) Mr. C. Hutin (France) as Chairman of the Technical Committee.

28. The Council thanked Dr. D. Böringer (Federal Republic of Germany) and Mr. A.F. Kelly (United Kingdom) for their invaluable contribution to the development of the Union as Chairmen of the Administrative and Legal Committee and of the Technical Committee respectively.

29. This report was unanimously adopted by the Council at its meeting of October 17, 1980.

[Annexes follow]

ANNEX I/ANNEXE I/ANLAGE I

LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS/TEILNEHMERLISTEI. MEMBER STATES/ETATS MEMBRES/VERBANDSSTAATENBELGIUM/BELGIQUE/BELGIEN

- M. J. RIGOT, Ingénieur en chef, Directeur au Ministère de l'agriculture, 36, rue de Stassart, 1050 Bruxelles
- M. R. D'HOOGH, Ingénieur agronome principal, Chef de service au Ministère de l'agriculture, 36 rue de Stassart, 1050 Bruxelles

DENMARK/DANEMARK/DÄNEMARK

- Mr. H. SKOV, President of the Council of UPOV, Chief of Administration, Statens Planteavlsskontor, Virumgaard, Kongevejen 83, 2800 Lyngby
- Mr. F. ESPENHAIN, Administrative Officer, Plantenyhedsnaevnet, Tystofte, 4230 Skaelskør
- Mr. E. KJELLQUIST, Director, Nordic Genebank, Box 1543, 22101 Lund, Sweden

FRANCE/FRANKREICH

- M. A. GRAMMONT, Sous-directeur des Productions végétales du Ministère de l'agriculture, 3-5, rue Barbet de Jouy, 75007 Paris
- M. C. HUTIN, Directeur de recherches, GEVES, INRA - GLSM, La Minière, 78280 Guyancourt

GERMANY (FED. REP. OF)/ALLEMAGNE (REP. FED. D')/DEUTSCHLAND (BUNDESREPUBLIK)

- Dr. D. BÖRINGER, Präsident, Bundessortenamt, Osterfelddamm 80, 3000 Hannover 61

ISRAEL

- Dr. H. GELMOND, Director, Institute for Field and Garden Crops, Agricultural Research Organisation, Volcani Centre, P.O. Box 6, Bet-Dagan

ITALY/ITALIE/ITALIEN

- Prof. S. SAMPERI, Directeur, Office National des Brevets, Via Molise 19, Rome
- Dr. B. PALESTINI, Chief Inspector, Ministry of Agriculture and Forestry, 00184 Rome
- M. A. SINAGRA, Conseiller juridique, Bureau de la Propriété Intellectuelle, Ministère des affaires étrangères, Palazzo Farnesina, Rome

NETHERLANDS/PAYS-BAS/NIEDERLANDE

- Mr. W. VAN SOEST, Director, Ministry of Agriculture and Fisheries, Bezuidenhoutseweg 73, The Hague
- Mr. M. HEUVER, Chairman, Board for Plant Breeders' Rights, Nudestraat 11, 6140 Wageningen
- Mr. K.A. FIKKERT, Legal Adviser, Ministry of Agriculture and Fisheries, Bezuidenhoutseweg 73, The Hague

SOUTH AFRICA/AFRIQUE DU SUD/SÜDAFRIKA

- Mr. J.F. VAN WYK, Director, Division of Plant and Seed Control, Private Bag X 179, Pretoria 0001
- Mr. J.U. RIETMANN, Agricultural Counsellor, South African Embassy, 59, Quai d'Orsay, 75007 Paris

SPAIN/ESPAGNE/SPANIEN

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- M. M. ARIZA, Asesor Presidente, Instituto Nacional de Semillas y Plantas de Vivero, Jose Abascal 56, Madrid 3
- Dr. J.M. BOLIVAR, Coordinador Adjunto de Recursos Genéticos, Instituto Nacional de Investigaciones Agrarias, Jose Abascal 56, Madrid 3
- M. J. RAMON PRIETO, Consejero de Agricultura, Delegacion Permanente de España, 72, rue de Lausanne, Geneva

SWEDEN/SUEDE/SCHWEDEN

- Mr. S. MEJEGÅRD, President of Division of the Court of Appeal, Svea Hovrätt, Box 2290, 103 17 Stockholm
- Mr. L. KÅHRE, Vice-Chairman of the National Plant Variety Board, Statens Utsädeskontroll, 171 73 Solna
- Prof. E. ÅBERG, Rörbäcksvägen 36, 75257 Uppsala

SWITZERLAND/SUISSE/SCHWEIZ

- Dr. W. GFELLER, Chef, Büro für Sortenschutz, Bundesamt für Landwirtschaft, Mattenhofstr. 5, 3003 Bern
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- M. M. JEANRENAUD, Conseiller, Mission Permanente de la Suisse, 9-11, rue de Varembe, 1211 Genève 20

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- Mr. A.F. KELLY, Deputy Director, National Institute of Agricultural Botany, Huntingdon Road, Cambridge CB3 0LE

II. OBSERVERS/OBSERVATEURS/BEOBACHTERAUSTRALIA/AUSTRALIE/AUSTRALIEN

- Mr. F.J. SMITH, Commissioner of Patents, Patents, Trade Marks and Designs Office, Canberra, A.C.T.

CANADA/KANADA

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- Mr. S. SARAN, First Secretary, Permanent Mission of India, 9, rue du Valais, 1202 Geneva

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- Mr. J. ZAHIRNIA, Third Secretary, Permanent Mission of the Islamic Republic of Iran, 28, chemin du Petit-Saconnex, 1209 Geneva

IRELAND/IRLANDE/IRLAND

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Agriculture, Forestry and Fisheries, Kasumigaseki, Tokyo

Mr. O. NOZAKI, First Secretary, Permanent Mission of Japan, 10, avenue de Budé,
1202 Geneva

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and Certification of Seeds, Balderas 94, Mexico 1, D.7

Miss O. GARRIDO-RUIZ, Third Secretary, Permanent Mission of Mexico, 6, chemin de
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POLAND/POLOGNE/POLEN

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UNITED STATES OF AMERICA/ETATS-UNIS D'AMERIQUE/VEREINIGTE STAATEN VON AMERIKA

Mr. B.M. LEESE, Jr., Commissioner, Plant Variety Protection Office,
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Maryland 20705

Mr. R.J. HUTTON, President, The Conard-Pyle Co., Rose Hill Road, West Grove,
PA 19390

YUGOSLAVIA/YOUGOSLAVIE/JUGOSLAWIEN

M. D. JELIC, Bundeskomitee für Landwirtschaft, Bul. Avnoja 104, 11000 Belgrad

Mme R. JELIC, Bundeskomitee für Landwirtschaft, Bul. Avnoja 104, 11000 Belgrad

III. INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS/ORGANISATIONS INTER-
GOUVERNEMENTALES ET NON GOUVERNEMENTALES/ZWISCHENSTAATLICHE UND NICHT-
STAATLICHE ORGANISATIONEN

INTERNATIONAL ASSOCIATION OF PLANT BREEDERS FOR THE PROTECTION OF PLANT
VARIETIES (ASSINSEL)/ASSOCIATION INTERNATIONALE DES SELECTIONNEURS POUR LA
PROTECTION DES OBTENTIONS VEGETALES (ASSINSEL)/INTERNATIONALER VERBAND DER
PFLANZENZÜCHTER FÜR DEN SCHUTZ VON PFLANZENZÜCHTUNGEN (ASSINSEL) *

Dr. C. MASTENBROEK, President of ASSINSEL, Rokin 50, 1012 KV Amsterdam,
Netherlands

Dr. H.H. LEENDERS, Secretary General of ASSINSEL, Rokin 50, 1012 KV Amsterdam,
Netherlands

* on October 15, 1980, only
le 15 octobre 1980 seulement
nur am 15. Oktober 1980

INTERNATIONAL COMMUNITY OF BREEDERS OF ASEXUALLY REPRODUCED ORNAMENTALS (CIOPORA)/
COMMUNAUTE INTERNATIONALE DES OBTENTEURS DE PLANTES ORNEMENTALES DE REPRODUCTION
ASEXUEE (CIOPORA)/INTERNATIONALE GEMEINSCHAFT DER ZÜCHTER VEGETATIV VERMEHRBARER
ZIERPFLANZEN (CIOPORA)*

- M. R. ROYON, Secrétaire général, 128, Les Bois de Font Merle, 06250 Mougins, France
- M. P. FAVRE, Secrétaire administratif, 4, Place Neuve, 1204 Genève, Suisse

EUROPEAN FREE TRADE ASSOCIATION (EFTA)/ASSOCIATION EUROPEENNE DE LIBRE-ECHANGE
(AELE)/EUROPÄISCHE FREIHANDELSASSOZIATION (EFTA)

- Mr. G. ASCHENBRENNER, Assistant, Legal Affairs, European Free Trade Association, 9-11 rue de Varembe, 1211 Geneva 20, Switzerland

UNITED NATIONS FOOD AND AGRICULTURE ORGANIZATION (FAO)/ORGANISATION DES NATIONS
UNIES POUR L'ALIMENTATION ET L'AGRICULTURE (FAO)/ERNÄHRUNGS- UND LANDWIRTSCHAFTS-
ORGANISATION DER VEREINTEN NATIONEN (FAO)

- Dr. J.T. WILLIAMS, Officer-in-Charge, Genetic Resources Group, and Executive Secretary of the International Board for Plant Genetic Resources, Plant Production and Protection Division, Via delle Terme di Caracalla, 00100 Roma, Italy
- Dr. G. DE BAKKER, Executive Secretary, European Co-operative Programme for the Conservation and Exchange of Crop Genetic Resources, UNDP Office, 16 avenue Trembley, Geneva, Switzerland

INTERNATIONAL FEDERATION OF THE SEED TRADE (FIS)/FEDERATION INTERNATIONALE DU
COMMERCE DES SEMENCES (FIS)/INTERNATIONALE VEREINIGUNG DES SAATENHANDELS (FIS)*

- Dr. H.H. LEENDERS, Secretary General of FIS, Rokin 50, 1012 KV Amsterdam, Netherlands

IV. LECTURERS AT THE SYMPOSIUM ON OCTOBER 15, 1980/PERSONNES AYANT FAIT DES
EXPOSES AU SYMPOSIUM, LE 15 OCTOBRE 1980/VORTRAGENDE IN DEM SYMPOSION VOM
15. OKTOBER 1980

- Dr. J.T. WILLIAMS, Officer-in-Charge, Genetic Resources Group, and Executive Secretary of the International Board for Plant Genetic Resources, Plant Production and Protection Division, Via delle Terme di Caracalla, 00100 Roma, Italy
- Prof. Dr. G. FISCHBECK, Technische Universität München, Lehrstuhl für Pflanzenbau und Pflanzenzüchtung, 8050 Freising - Weißenstephan, Bundesrepublik Deutschland
- Mr. P.W. MURPHY, Controller of Plant Variety Rights, Plant Variety Rights Office, White House Lane, Huntingdon Road, Cambridge CB3 0LF, United Kingdom

V. OFFICERS/BUREAU/VORSITZ

- Mr. H. SKOV, President
- Dr. W. GFELLER, Vice-President

VI. OFFICE OF UPOV/BUREAU DE L'UPOV/BÜRO DER UPOV

- Dr. A. BOGSCH, Secretary-General
- Dr. H. MAST, Vice Secretary-General
- Dr. M.-H. THIELE-WITTIG, Senior Technical Officer
- Mr. A. WHEELER, Legal Officer
- Mr. A. HEITZ, Administrative and Technical Officer

* on October 15, 1980, only
le 15 octobre 1980 seulement
nur am 15. Oktober 1980

RECOMMENDATION ON FEES IN RELATION TO COOPERATION IN EXAMINATION

adopted by the Council at its fourteenth ordinary session

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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