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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

**Fourteenth Ordinary Session
Geneva, October 15 to 17, 1980**

DETAILED REPORT

adopted 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. The indented paragraphs are taken from the report on the decisions of the Council which was adopted by the latter at its meeting on October 17, 1980 (document C/XIV/15).

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.

7.01 In relation to the report concerning Italy (paragraph 6(f) of document C/XIII/17), the Council was informed that two of the 171 applications had been refused as incomplete.

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 at the session. Furthermore, the Council noted the contents of documents C/XIV/5, 6 and 7.

The main information given under this agenda item is as follows.

8.01 Republic of South Africa: The Plant Breeders' Rights Act was amended during the 1980 parliamentary session to accommodate the 1978 Revised Text of the UPOV Convention (hereinafter referred to as "the 1978 Revised Text"). The Amendment Act and its regulations are expected to come into operation within the next three months, whereupon South Africa will be in a position to ratify the 1978 Revised Text.

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

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

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

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

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

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

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

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

8.10 As regards the use made by breeders of the plant variety protection system, detailed statistics are given in Annex III to this document.

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

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

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

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

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

8.16 In this connection it was also mentioned that the first titles of protection issued in the Federal Republic of Germany were expiring, and that this raised a number of questions, such as how new multiplication contracts should be drafted, who had the right to maintain the variety and how it could be ensured that the variety really came into the public domain, on which discussion within UPOV was advisable. In the United Kingdom too titles of protection are now starting to expire. There is a possibility for the Controller of Plant Variety Rights to extend the period of protection of a variety beyond the normal term under certain circumstances--according to a provision taken over from the Patent Law, which had been removed from that Law in the recent

revision and compensated by an extension of the normal period of protection-- and the first request for such extension was received three weeks ago. As to the usefulness of this system, it was explained that, while it was somewhat difficult to manage from an administrative point of view, it allowed opposition to a long period of protection to be overcome.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8.54 During the past year and a half a Bill has been pending before the Senate and the House of Representatives to amend the Plant Variety Protection Act, mainly with a view to extending protection to the six species that are excluded from the scope of the original Act (Carrot, Celery, Cucumber, Okra, Pepper and Tomato), extending the period of protection from 17 to 18 years and extending to four or six years the period during which the variety may have been commercialized abroad before the filing of the application in the United States of America. Circumstances did not allow the Bill to pass and it will be examined again by the Congress at its next session, starting on November 12.

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

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

8.57 India: So far, the question of plant variety protection has been given little attention by Government circles, mainly because almost all research and development is done by Government bodies. There is a very broad network of agricultural research institutes and plant breeding centers at both central and State level. In addition, every major agricultural region has its own agricultural university which is also engaged in plant breeding and in extension activities. It is only in the last few years that private plant breeding has begun.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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. The Committee had 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).

10.01 The Council noted the intention of the Secretary-General to continue the practice, introduced at the current session, of publishing supplements to the annual report, covering the period from the beginning of the year to the last month preceding the Council's ordinary session.

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 endeavor 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 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 by the Administrative and Legal Committee at its forthcoming session of a UPOV Model Form for the Notification of the Receipt of the Plant Material Necessary for the Examination.
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.

- 15.01 The Council noted that member States would have to take the necessary measures for the implementation of the Recommendation, and invited them to do so as soon as possible.

15.02 The Delegation of Israel drew attention to the fact that it was necessary for Israel to complete the examination results obtained from another member State with a further test for one growing cycle, in order to check the behavior of the variety under its own climatic conditions. It was pointed out in reply that the purpose of cooperation in examination was to exchange technical information and speed up the decision concerning the grant of protection, which had in any case to be taken by the authority receiving the information. Further tests were sometimes necessary even in the same climatic zone, especially in the case of species whose distinctness was mainly assessed on the basis of quantitative characteristics. The purpose of such tests would be for instance to facilitate the subsequent detection of infringements, or to complete reference collections in order that tests for distinctness might be more readily carried out later. In any event, at least in the Federal Republic of Germany, the applicant was not charged any fee for such further tests.

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.

16.01 The Council congratulated the Office of the Union on the rapid publication of the UPOV Model Law on Plant Variety Protection. It noted with satisfaction that the Model Law was now available to UPOV for practical work, but especially to States wishing to introduce plant variety protection laws or amend such laws as already existed.

17. The Council also noted with approval the plans for the future work of the Administrative and Legal Committee as set forth 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 also noted with approval the plans for the future work of those bodies as set forth in document C/XIV/9.

Report on the Activities Resulting from the 1978 Diplomatic Conference

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

19.01 The Council noted that in the course of the drafting of the official text in Italian of the 1978 Revised Text, the Office of the Union, in cooperation with experts from Italy and Switzerland, had made an improved official translation of the 1961 Text and of the 1972 Additional Act. It was not considered necessary for the member States concerned to publish the improved translation in their official gazettes pending ratification of the 1978 Revised Text.

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, which were the result of a reduction in the number of days of meetings set forth in document C/XIV/10 Rev. According to the present status of membership and choice of contribution classes the value of the contribution unit amounts to 43,100 Swiss francs, which represents an increase of 1.35% in relation to 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 Ordinary Council Sessions and Certain Meetings of UPOV

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

23. The Council unanimously decided that the non-member States which had signed the 1978 Revised Text--namely 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.

23.01 The Council stressed the importance to non-member States of the participation of experts from such States in the work of the Technical Working Parties. It was recalled that the Chairmen of the Technical Working Parties were competent to invite such experts.

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, to 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, to 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.
- 26.01 Mr. W. Gfeller (Switzerland) thanked the Council for the confidence placed in him and for the honor done to his country. He underlined that the outgoing President, Mr. H. Skov (Denmark), had set standards during his term of office according to which he himself would be the first to be measured. Whatever happened in the future, Mr. Skov's name would remain associated with milestones in the history of UPOV such as the revision of the Convention, and indeed with the whole of its history, to which Mr. Skov had made a major contribution. He concluded by wishing on behalf of UPOV that Mr. Skov might continue to contribute for many years to its development, now as a representative of a member State, and to give it the benefit of his great experience and wisdom.

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

27. The Council unanimously elected:
- (i) Mr. P.W. Murphy (United Kingdom) Chairman of the Administrative and Legal Committee;
 - (ii) Mr. C. Hutin (France) 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 has been adopted by the Council by correspondence.

[Annexes follow]

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
- Dr. E. KJELLQVIST, Director, Nordic Gene Bank, 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
- Prof. 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

- M. J.M. ELENA, Chef du Registre des variétés, Instituto Nacional de Semillas
y Plantas de Vivero, Jose Abascal 56, Madrid 3
- 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. KÄHRE, 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
- M. A. JAQUINET, Expert, Station fédérale de recherches agronomiques de
Changins, 1260 Nyon
- M. M. JEANRENAUD, Conseiller, Mission permanente de la Suisse, 9-11, rue de
Varembé, 1211 Genève 20

UNITED KINGDOM/ROYAUME-UNI/VEREINIGTES KÖNIGREICH

- Mr. P.W. MURPHY, Controller of Plant Variety Rights, The Plant Variety Rights
Office, White House Lane, Huntingdon Road, Cambridge CB3 0LF
- Mr. A.F. KELLY, Deputy Director, National Institute of Agricultural Botany,
Huntingdon Road, Cambridge CB3 0LE

II. OBSERVERS/OBSERVATEURS/BEOBACHTER

AUSTRALIA/AUSTRALIE/AUSTRALIEN

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

CANADA/KANADA

Mr. W. BRADNOCK, Associate Director, Seed Section, Plant Products and Quarantine Division, K.W. Neatby Building, 960 Carling Avenue, Ottawa, Ontario

CHILE/CHILI/CHILE

M. E. HERRERA, Consejero, Permanent Mission of Chile, 56, rue Moillebeau, 1211 Geneva

INDIA/INDE/INDIEN

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

IRAN

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

IRELAND/IRLANDE/IRLAND

Mr. J. MULLIN, Controller of Plant Breeders' Rights, Agriculture House, Kildare Street, Dublin 2

JAPAN/JAPON/JAPAN

Mr. Y. MATSUNOBU, Director of the Seeds and Seedlings Division, Ministry of Agriculture, Forestry and Fisheries, Kasumigaseki, Tokyo

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

MEXICO/MEXIQUE/MEXIKO

Mr. A. GONZALEZ SANCHEZ, Sub-Director of the National Service for the Inspection and Certification of Seeds, Balderas 94, Mexico 1, D.7

Miss O. GARRIDO-RUIZ, Third Secretary, Permanent Mission of Mexico, 6, chemin de la Tourelle, 1211 Geneva 19

NEW ZEALAND/NOUVELLE-ZELANDE/NEUSEELAND

Mr. J.B. JACKMAN, Agricultural Counsellor, New Zealand High Commission, Haymarket, London SW1Y 4TQ

NORWAY/NORVEGE/NORWEGEN

Mr. L.R. HANSEN, Chief of Administration, The National Seed Council, Moervn. 12, 1430 Ås

POLAND/POLOGNE/POLEN

- M. J. VIRION, Chef-expert au Ministère de l'agriculture, Ministerstwo Rolnictwa,
30, rue Wspolna, Warszawa

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

- Mr. B.M. LEESE, Jr., Commissioner, Plant Variety Protection Office,
Agricultural Marketing Service, Department of Agriculture, Beltsville,
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

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

INTERNATIONAL COMMUNITY OF BREEDERS OF ASEXUALLY REPRODUCED FRUIT TREE AND ORNA-
MENTAL VARIETIES (CIOPORA)/COMMUNAUTE INTERNATIONALE DES OBTENTEURS DE PLANTES
ORNEMENTALES ET FRUITIERES DE REPRODUCTION ASEXUEE (CIOPORA)/INTERNATIONALE
GEMEINSCHAFT DER ZÜCHTER VEGETATIV VERMEHRBARER OBST- UND 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

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

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

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

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, Plant Production
and Protection Division, FAO, and Executive Secretary of the International
Board for Plant Genetic Resources, Via delle Terme di Caracalla, 00100 Roma,
Italy

Prof. Dr. G. FISCHBECK, Technische Universität München, Lehrstuhl für Pflanzenbau
und Pflanzenzüchtung, 8050 Freising-Weihenstephan, Bundesrepublik
Deutschland

Mr. P.W. MURPHY, Controller of Plant Variety Rights, The 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.

[Annex III follows]

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

	1977	1978	1979	1980**	Total
<u>Agricultural Crops</u>					
Oats	-	10	2	-	12
	-	-	11	-	11
Turnip	-	-	-	1	1
	-	-	-	-	-
Meadow Fescue	-	-	-	2	2
	-	-	-	2	2
Red Fescue	-	-	-	7	7
	-	-	-	7	7
Barley	-	17	1	2	20
	-	-	15	1	16
Flax, Linseed	-	-	2	6	8
	-	-	-	7	7
Hybrid Ryegrass	1	1	-	-	2
	-	-	1	1	2
Italian Ryegrass	-	4	-	-	4
	-	-	4	-	4
Perennial Ryegrass	1	6	3	2	12
	-	-	7	-	7
Kentucky Bluegrass	-	-	-	4	4
	-	-	-	4	4
Rye	-	1	1	-	2
	-	-	2	-	2
Potato	-	-	-	33	33
	-	-	-	22	22
White Clover	-	-	-	1	1
	-	-	-	1	1
Bread Wheat	1	20	4	1	26
	-	1	20	4	25
Spelt	-	1	-	1	2
	-	-	1	-	1
<u>Vegetables</u>					
Lettuce	-	-	2	1	3
	-	-	-	2	2
French Bean	-	13	1	-	14
	-	5	3	4	12
Pea	-	17	2	-	19
	-	6	7	2	15
Black Salsify	-	-	-	2	2
	-	-	-	1	1

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

** Until October 13, 1980

	1977	1978	1979	1980**	Total
<u>Fruit Crops</u>					
Strawberry	-	8	2	-	10
	-	8	-	2	10
Apple	-	1	1	1	3
	-	1	-	1	2
Plum	-	-	-	1	1
	-	-	-	1	1
<u>Ornamental Plants</u>					
Carnation	-	-	4	-	4
	-	-	-	4	4
Azalea, Rhododendron	-	4	1	3	8
	-	-	2	3	5
Rose	-	40	8	12	60
	-	-	19	9	28
<u>Forest Trees</u>					
Poplar	-	13	-	-	13
	-	-	-	13	13
Total	3	156	34	80	273
	-	21	92	91	204

[Annex IV follows]

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

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

YEAR	APPLICATIONS		GRANTS		WITHDRAWALS REJECTIONS ABANDONED					
	A	B	A	B	A	B	A	B	A	B
1971	10		-	-	-	-	-	-	-	-
1972	599		-	-	-	-	-	-	-	-
1973	131		28		14		-	-	-	-
1974	117		251		32		-		2	
1975	181		139		34		2		13	
1976	273		142		50		7		22	
1977	384		127	33%	36	9,3%	6	1,5%	21	5,4%
1978	381		223	58,5%	58	15,2%	15	3,9%	37	9,7%
1979	301		126	33%	94	24%	3	-1%	79	20,7%
(1980)	(325)		(141)		(70)		(18)		(52)	
TOTAL	2782		1177	42,3%	396	14,2%	51	1,8%	146	5,2%

A ACTUAL NUMBER

B PERCENTAGE

() DATA FOR 1980 AS AT SEPTEMBER 30, 1980

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

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

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

[Annex V follows]

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

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

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

The breakdown for applications pending final action is as follows:

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

Class breakdown of applications
received:

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

Class breakdown of certificates
issued:

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

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

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

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