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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**ANNUAL REPORT
OF THE SECRETARY-GENERAL FOR 1979

(Eleventh Year)

I. STATE OF THE UNION

1. At the end of 1979, the International Union for the Protection of New Varieties of Plants (UPOV) had eleven member States: Belgium, Denmark, France, Germany (Federal Republic of), Israel, Italy, Netherlands, South Africa, Sweden, Switzerland, United Kingdom. Israel deposited, with the approval of the Council of UPOV, its instrument of accession to the International Convention for the Protection of New Varieties of Plants of December 2, 1961 (hereinafter referred to as "the UPOV Convention"), as well as to the Additional Act of November 10, 1972 (hereinafter referred to as "the Additional Act") on November 12, 1979, and thus became a member State of UPOV as from December 12, 1979. Spain had made a request for accession to the UPOV Convention and the Additional Act on which the Council of UPOV had taken a favorable decision but did not deposit its instrument of accession before 1980. (It deposited it on April 18, 1980).

2. With the accession of Israel at the end of 1979, the Additional Act was, as in the previous year, in force for all but one member State; the exception is the United Kingdom.

3. During 1979, the Revised Text of the UPOV Convention of October 23, 1978 (hereinafter referred to as "the Revised Text"), was signed by the following five States: Canada (on October 31, 1979), Ireland (on September 27, 1979), Japan (on October 17, 1979), Mexico (on July 25, 1979) and New Zealand (on July 25, 1979). The period for signing the Revised Text ended on October 31, 1979. The list of the 16 signatory States is as follows: Belgium, Canada, Denmark, France, Germany (Federal Republic of), Ireland, Italy, Japan, Mexico, Netherlands, New Zealand, South Africa, Sweden, Switzerland, United Kingdom, United States of America. The Revised Text will enter into force one month after the deposit of the fifth instrument of ratification, acceptance, approval or accession if at least three of the said instruments are instruments deposited by States party to the UPOV Convention. At the end of 1979, no instruments of that kind have been deposited.

II. SESSIONS

4. During 1979, the various bodies of UPOV met as listed below. Unless otherwise indicated, the sessions took place in Geneva.

5. The Council held its thirteenth ordinary session on October 17 and 18, 1979, under the chairmanship of Mr. H. Skov (Denmark). All member States and observers from a number of interested non-member States--Algeria, Austria, Brazil, Canada,

Chile, Iraq, Ireland, Israel*, Japan, Morocco, New Zealand, Norway, Poland, Soviet Union, Spain*, Thailand, United States of America--as well as observers from the European Economic Community attended the said session. The following are among the more important decisions taken by the Council:

(i) the annual report and the accounts of the Union for the year 1978 were approved;

(ii) the program and budget of the Union for 1980 were approved;

(iii) the progress achieved in the work of the Administrative and Legal Committee and the plans for the future work of that Committee were approved;

(iv) the progress achieved in the work of the Technical Committee and the Technical Working Parties and the plans for the future work of that Committee and those Working Parties were approved, and the Technical Committee was authorized to publish the Revised General Introduction to the Test Guidelines;

(v) the application of Israel to accede to the UPOV Convention and to the Additional Act was accepted, and it was decided to allow Israel to pay only one-half of the contribution according to Class V under the conditions provided for in Article II of the Additional Act.

6. The Consultative Committee held its nineteenth session on April 26 and 27, 1979, and its twentieth session on October 16, 1979, both under the chairmanship of Mr. H. Skov (Denmark). In those sessions, the Consultative Committee prepared the work of the Council and considered the state of the work of publishing the records of the Diplomatic Conference of 1978, the possible invitation of further non-member States or intergovernmental organizations to sessions of organs of UPOV, the transmittal of examination results to non-member States, the invitation of an expert of the Junta of the Cartagena Agreement charged with establishing a Model Law for the members of that Agreement and the possible holding of a seminar in Argentina.

7. The Administrative and Legal Committee held its third session on April 24 and 25, 1979, and its fourth session from November 14 to 16, 1979, both under the chairmanship of Dr. D. Böringer (Federal Republic of Germany). During its third session, the Committee finalized its work on the UPOV Model Plant Breeders' Rights Gazette, on the UPOV Model Form for the Invoicing of Examination Costs, on the UPOV Model Form for the Designation of the Sample of the Variety and on the UPOV Form for Observations on a Submitted Variety Denomination. At both sessions, the Committee worked on a draft Recommendation on Fees in Relation to Cooperation in Examination. During its fourth session, the Committee also established a UPOV Model Form for the Interim Report on the Examination of a Variety and worked on two major subjects:

(i) the first draft--prepared by the Office of the Union--of a Special Agreement on International Procedure Concerning New Varieties of Plants and, in this context, questions concerning the harmonization of certain aspects of the national legislation of member States, and

(ii) the first draft--also prepared by the Office of the Union--of a UPOV Model Law on Plant Variety Protection.

8. The Technical Committee held its thirteenth session from March 26 to 28, 1979, and its fourteenth session from November 12 to 14, 1979, both under the chairmanship of Mr. A.F. Kelly (United Kingdom). During both sessions, the Committee discussed the establishment of a revised General Introduction to the Guidelines for the Conduct of Tests for Distinctness, Homogeneity and Stability of New Varieties of Plants (General Introduction to the Test Guidelines); it adopted that document during its fourteenth session. Also during both sessions, the Technical Committee discussed the question of cooperation in the examination of varieties, especially in connection with disease tests and laboratory tests. Furthermore, the Committee considered, during its thirteenth session, the grouping of species for naming purposes and, during its fourteenth session, the requirement of consistent differences, the need for a second seed sample in the second year of testing, the placing of example varieties in the Test Guidelines as well as problems connected with the application of sophisticated methods, such as electrophoresis or bio-

* Now a member State.

chemical methods, for the testing of distinctness and for the identification of varieties. As in previous years, the Committee supervised the work of the five Technical Working Parties, each of which, in 1979, held one session, each in different member States. As a result of the successful conclusion of work of these Technical Working Parties, the Technical Committee adopted eleven new Test Guidelines, namely those for Chrysanthemum (TG/26/4), for Pelargonium (TG/28/5), for Lily (TG/59/3), for Black Radish (TG/63/3), for Radish (TG/64/3), for Kohlrabi (TG/65/3), for Lupins (TG/66/3), for Berberis (TG/68/3), for Forsythia (TG/69/3), for Apricot (TG/70/3), and for Hazelnut (TG/71/3).

9. The Technical Working Party for Agricultural Crops held its eighth session in Versailles (France) from May 21 to 23, 1979, under the chairmanship of Miss Jutta Rasmussen (Denmark). At that session, the Working Party finalized its work on the draft Test Guidelines for Lupins and prepared a first draft for revised Test Guidelines for Maize. It furthermore discussed working papers on Test Guidelines for Sheep's Fescue and Red Fescue, for Flax and Linseed and for revised Test Guidelines for Ryegrass. It also studied problems connected with the exchange of seed of varieties, the requirement of consistency, the application of the 1-to-9 scale, the question of hybrid ryegrass, the possibility of preparing a growth stage code for grasses, the question of synthetic varieties as well as cooperation in disease tests or other laboratory tests.

10. The Technical Working Party for Vegetables held its twelfth session at Cavaillon (France) from June 12 to 14, 1979, under the chairmanship of Mr. J. Brossier (France). At that session, the Working Party finalized its work on the draft Test Guidelines for Black Radish, for Radish and for Kohlrabi and prepared first drafts for Test Guidelines for Celeriac, for Cornsalad, and for Sweet Pepper, as well as a working paper for revised Test Guidelines for Peas. It furthermore discussed the requirement of a second seed sample in the second year and the possibility of centralizing disease tests.

11. The Technical Working Party for Ornamental Plants held its twelfth session at Hanover (Federal Republic of Germany) from July 17 to 19, 1979, under the chairmanship of Mr. A.J. George (United Kingdom). At that session, the Working Party finalized its work on the draft Test Guidelines for Berberis, for Forsythia, for Chrysanthemum and for Pelargonium and prepared first drafts for Test Guidelines for Gerbera, for Kalanchoe and for revised Test Guidelines for Rose, as well as a working paper on Test Guidelines for White Cedar. It also discussed the question of distinctness in vegetatively propagated plants and the problems connected with easy mutations.

12. The Technical Working Party for Forest Trees held its seventh session at Wageningen (Netherlands) on September 25 and 26, 1979, under the chairmanship of Mr. F. Schneider (Netherlands). During that session, the Working Party prepared a first draft for revised Test Guidelines for Poplar, in view of the comments received from the International Poplar Commission and discussed working papers on Test Guidelines for Willow and for Norway Spruce. It also checked the working paper on Test Guidelines for White Cedar prepared by the Technical Working Party for Ornamental Plants.

13. The Technical Working Party for Fruit Crops held its tenth session at San Giuliano, Corsica (France), from January 30 to February 1, 1979, under the chairmanship of Mr. A. Berning (Federal Republic of Germany). During that session, the Working Party finalized its work on the draft Test Guidelines for Apricot and for Hazelnut and prepared a first draft for Test Guidelines for Blackberry. It also continued its discussion on working papers on Test Guidelines for Citrus and started revising the existing Test Guidelines for Apple. Furthermore, it had a general discussion on the question whether it should form subgroups or reserve certain sessions only for crops of the temperate zone and others only for crops of the tropical zone.

RELATIONS OF THE UPOV OFFICE WITH STATES AND ORGANIZATIONS

14. The Vice Secretary-General of UPOV participated in the annual meeting of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL) and the Congress of the International Federation of the Seed Trade (FIS), both held at Interlaken (Switzerland). He also attended part of the thirty-first Congress of the International Association of Horticultural Producers (AIPH), which was held in Herzlia (Israel). In connection with that mission, he paid a visit to the Israeli Ministry of Foreign Affairs and the Israeli authorities responsible for plant breeders' rights, in view of the then anticipated accession of Israel to UPOV.

15. Furthermore, the Vice Secretary-General attended a meeting of the Special Committee for the Protection of Plant Breeders' Rights of the German Association for Industrial Property and Copyright (GRUR) which was held at Scharnhorst (Federal Republic of Germany) at the Trial Station of the German Federal Plant Varieties Office.

16. The Vice Secretary-General participated, in Washington, D.C., in discussions concerning the envisaged amendments of the United States Plant Variety Protection Act with representatives of the State Department, the Patent and Trademark Office and the Plant Variety Protection Office of the United States.

17. Moreover, he had contacts with the Japanese Ministry of Agriculture and other Japanese authorities in Tokyo, which were soon followed by the Japanese signature of the Revised Text of the UPOV Convention.

18. One staff member attended a meeting of the International Poplar Commission in Lisbon (Portugal) to explain the position of UPOV with respect to the establishing of Test Guidelines for Poplar.

19. In cooperation with the Junta of the Cartagena Agreement (Lima, Peru), UPOV organized the visit of a consultant from that Junta to Geneva for discussions concerning the establishment of a Model Law on Plant Variety Protection for the member States of the Cartagena Agreement.

IV. PUBLICATIONS

20. In 1979, the Office of the Union continued the publication of the UPOV Newsletter. In that year, four issues were published. The said Office also published, in separate brochures in English, French and German, the texts of the UPOV Convention of 1961, the Additional Act to that Convention of 1972 and the Revised Text of the UPOV Convention of 1978.

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