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## INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

## COUNCIL

**Nineteenth Ordinary Session  
Geneva, October 17 and 18, 1985**

## DETAILED REPORT

adopted by the CouncilOpening of the session

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its nineteenth ordinary session in Geneva on October 17 and 18, 1985.
2. The session was presided over by the President of the Council, Mr. J. Rigot (Belgium). The President welcomed the participants, especially the representatives of States not members of UPOV and those of intergovernmental organizations.
3. The list of participants appears in Annex I of this report.
4. The indented paragraphs are taken from the report on the decisions of the Council, which the latter adopted at its meeting on October 18, 1985 (document C/XIX/12).

Adoption of the Agenda

5. The Council adopted the agenda as appearing in document C/XIX/1.

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

6. The Council noted the declarations made under this agenda item.

The most significant information provided under this item of the agenda is recorded below.

a. Statements by the Representatives of Member States

7. South Africa.-- The only change that has occurred in the legislative field since the last session of the Council is a fee increase, applicable as from May 1, 1985. The list of protected taxa has not been enlarged but, in view of the growing interest in the protection of certain ornamentals, extension of protection will be contemplated as soon as the necessary agreements on cooperation in examination have been concluded. It is hoped that this stage will be reached in the very near future.

8. Since the last session of the Council, 64 applications for protection have been received (including 46 from other member States) and 40 titles have been granted (including 26 to breeders from other member States).

9. Federal Republic of Germany.-- On August 28, 1984, Parliament approved the 1978 Act of the Convention; it now has before it the draft of a new Plant Variety Protection Law under which domestic law will be brought into line with the above Act. The instrument of ratification of the Act is expected to be deposited with the Secretary-General before the end of the current year.

10. The draft legislation also provides for a general extension of the term of protection from 20 to 25 years and, in the case of potato, trees and shrubs, from 25 to 30 years. The extension of protection to some further species is also planned.

11. The Federal Plant Varieties Office has continued its negotiations with its counterparts in other member States with a view to the extension of cooperation in examination on the basis of the Model Administrative Agreement adopted by the Council at its last session. Negotiations with the French authorities have just been completed. Under the resulting new agreement, some 20 species will be examined under the cooperation scheme in the Federal Republic of Germany and some 20 others in France. For about 20 further species, each of the parties has agreed to take over the results of examinations carried out by the other. Agreements of the same kind are expected to be concluded shortly with Denmark, the Netherlands and the United Kingdom.

12. The annual number of applications for protection has taken a sharp upward turn: during the year ending on June 30, 1985, 870 applications were filed, compared with 771 the previous year and 623 the year before that.

13. Belgium.-- The Bill approving the 1978 Act of the Convention and amending the Law of May 20, 1975, on the Protection of New Plant Varieties will probably be presented to Parliament in 1986.

14. By a Royal Order dated May 21, 1985, which came into force on July 19, 1985, the list of protected taxa was extended to 35 entries; the total number of entries--corresponding to taxa ranging from the family (Orchidaceae) to the botanical variety--is now 139. This extension of protection has been made possible by cooperation in examination.

15. With regard to the definite interest shown by breeders in the variety protection system, detailed statistics are to be found in Annex II to this report. It will be noted that certificates have been issued for 37 taxa only.

16. Denmark.- The work on the revision of the national legislation on plant variety protection continues. There is however no further information to add to the report made to the last session of the Council. The committee entrusted with the revision will be meeting again before the end of the current month.

17. The list of protected taxa has been extended on two occasions: on January 7, 1985, by the inclusion of *Aeschynanthus* Jack., and on June 30 by the inclusion of *Dieffenbachia* Schott and *Exacum* spp. The extension of protection to triticale should be taking place shortly.

18. *Aeschynanthus* and *Dieffenbachia* are examined by the Federal Republic of Germany and France respectively. Triticale will be examined by the Federal Republic of Germany. Denmark has offered to examine *Exacum* varieties for other member States under the cooperation scheme.

19. As mentioned earlier, the agreements on cooperation in examination are undergoing revision and adaptation to the new UPOV Model Administrative Agreement. Discussions are now in progress with the authorities of the Federal Republic of Germany and France. Revision of the agreements with those countries will also cause changes to be made in the agreements with the Netherlands and the United Kingdom, with which it is hoped that new agreements based on the new Model Agreement will also be concluded. Finally, there are plans to enter into agreements with the authorities of Belgium, Sweden and Switzerland. It is hoped that, in spite of the workload of the Danish authorities, these agreements can be completed before the next session of the Council.

20. The workload mentioned is shown clearly by the following table:

	1984	1985 (up to October 8)
Number of applications for protection	163	179
including: - agricultural crops	63	
- fruit crop	2	
- ornamental plants	108	
Number of certificates issued	101	108
including: - agricultural crops	33	
- fruit crops	2	
- ornamental plants	66	

21. The Danish authorities have been investigating how best to accede to the wish expressed in professional circles, mainly those concerned with ornamentals, that protection be extended to more species. In this respect the main problem is that the species have to be examined in glasshouses, which could involve the authorities in expenses considerably in excess of the fees charged. The Governing Board of the Danish Research Service for Plant and Soil Science, of which the Plant Variety Protection Office is part, has therefore decided that the examination system of the United States of America has to be studied more closely to determine whether it could provide a solution to the problem.

22. Mr. Flemming Espenhain undertook a one-month study tour of the United States of America, where he was able to visit the offices responsible for

protection matters, professional organizations and breeders from the agricultural and horticultural sectors, and also seed certification agencies. The main questions covered were examination for distinctness, homogeneity and stability, minimum distances between varieties, variety denominations and biotechnology. A report is being drawn up and will be submitted to the above-mentioned Governing Board, which will decide whether it should be translated and distributed.

23. Mr. Espenhain thanked Mr. Schlosser, who had taken care of the organization of the study tour, and all those of his American hosts who had enabled the tour to take place and to be as instructive as it was.

24. The question of the protection of plant varieties by means of a special system or by patents has also been considered in Denmark. In addition, students at the Agricultural University have set up a study group on questions concerning developing countries. That group recently organized a session during which questions of gene banks, plant patents, plant breeding activities of multinational firms in developing countries and biotechnology were dealt with.

25. Mr. Espenhain took part in the session as representative of the Plant Variety Protection Board, and gave a talk on the possible conflicts between patents and plant breeders' rights, and on the consequences of the patent protection of genes. The "developing countries group" had previously published a handbook, to serve also as a discussion basis for the group of guest speakers, entitled "Playing With Seed--Playing With the Future." It should be mentioned that the group had allowed Mr. Espenhain to see the manuscript, which had enabled most of the factual errors concerning plant variety protection to be eliminated. It should also be mentioned that the group collaborates with the International Coalition for Development Action (ICDA), among other bodies.

26. The group has recommended that the above subjects be discussed in schools, and that they should be brought to the attention of the political class. Whether that will be useful or whether it will have adverse consequences will be seen when the draft Revised Law on Plant Variety Protection is presented to Parliament.

27. The Delegation of the Federal Republic of Germany asked Mr. Espenhain whether he could not submit a more detailed report on his study tour of the United States of America to the next session of the Technical Committee, in view of the fact that his conclusions could have a bearing on the future of international cooperation in examination. Mr. Espenhain replied that he would ask the Governing Board of the Danish Research Service for Plant and Soil Science for authorization to do that.

28. Spain.-- Work continues on the revision of national legislation to bring it into line with the 1978 Act of the Convention and to modify the schedule of fees. A working group composed of representatives of all interested circles has been set up, and a preliminary draft has been submitted to it for consideration.

29. Fees have been increased by about 25% in the course of the year. In addition, protection has been extended to lettuce, lucerne, fruit varieties of apple, pure lines of maize and soya bean. The list of protected taxa now comprises 23 entries.

30. From January to October 1985, 120 applications for protection were received and 80 titles granted, bringing to 326 the number of titles in force. In view of the possibilities offered by the transitional limitation of the requirement of novelty, there has been an increase in the number of applications following the extension of protection mentioned in the previous paragraph.

31. With regard to cooperation in examination, the position is unchanged: the examination of varieties still takes place in Spain.

32. United States of America. - With regard to the Plant Patent Law, which is administered by the US Patent and Trademark Office and applies to vegetatively propagated varieties, draft legislation has just been introduced for the extension of protection to parts of plants, notably cut flowers. It will be recalled that the import of cut flowers from other countries is a serious problem in the face of which breeders holding patents are at a loss. It is hoped that the Law will be voted on in the near future.

33. Apart from that, draft rules of procedure for variety denominations have been published in order to elicit comments from interested parties. The rules will be put in their final form after these comments have been evaluated. The rules of procedure complement Article 13 of the Convention as necessary on certain points of detail and on procedural aspects.

34. In the course of the past year, the number of applications filed has been relatively high, as it rose to 248, which compares with an average of 185 for the previous five years. In the course of the same year, 174 plant patents were granted, as against an average of 168 for the previous five years. About a quarter of the applications come from abroad, in particular the United Kingdom, the Federal Republic of Germany and France.

35. The Plant Variety Protection Office, which administers the Plant Variety Protection Act, applicable to sexually reproduced varieties, was given its new data processing system in July 1984. The remainder of that year was devoted to the transfer and reorganization of data and to staff training, although this did not hold up the examination of applications.

36. Since January 1985 the Office has been particularly busy bringing files up to date and examining outstanding applications. It has made up its barley and tomato backlog, and is at present concentrating on wheat and beans. When work is completed on those two species, the entire backlog will have been made up, except for certain species for which one or two applications have been pending for more than 18 months. In fact a certain time-lag is desirable, as it provides the possibility of grouping the examination of applications relating to a particular species and increases the efficiency of examiners.

37. In the course of the 1985 fiscal year, which ended on September 30, 1985, the Office has received 219 applications (against 157 in 1984), thus beating the previous yearly record by 28. Forty-one applications were filed in April, which is also a new record. Finally, 155 certificates have been granted in the course of 1985.

38. The increase in administrative costs has brought about an increase in fees, which since December 1984 have totalled 2,000 dollars for the examination of a standard application.

39. The Delegation of the Netherlands pointed out that the number of applications filed was far smaller for the United States of America than for a number of European countries. It also noted that the examination systems differed on opposite sides of the Atlantic. It wondered whether there was any correlation between the two, for instance whether the countries of Europe protected very similar varieties and whether the distances had to be greater in the United States of America.

40. The Delegation of the United States of America replied that the statistics were the only thing beyond dispute. The difference could be due to a number of factors. It was possible that different conceptions of minimum distances between varieties was one of them, but the Delegation could not say any more. Even if the question were considered in depth, it was not certain that conclusions would emerge.

41. In reply to a question from the Delegation of Belgium, the Delegation of the United States of America pointed out that the rules of procedure for variety denominations did no more than codify a practice that had been observed ever since the United States of America had accepted the 1978 Act of the Convention, with the addition of a few details of an administrative nature. In other words, since 1981, the variety denomination was required to appear in the title of the patent.

42. In reply to a question from the Delegation of the Federal Republic of Germany, the Delegation of the United States of America mentioned that the above rules were based on the International Code of Nomenclature for Cultivated Plants, which some might judge stricter than the rules applied in European States.

43. France.- No addition has been made to the list of protected taxa during the past year. However, the extension of protection to brome grass, Dieffenbachia and white lupin, announced at the previous session of the Council, is at the publication stage. Another extension is under consideration in response to the recommendation made by UPOV and requests made at the national level. Due account has to be taken in this respect of the difficulties that arise, in particular when the bodies responsible for examination attain such proportions that any excess of work causes a very considerable increase in cost. Such proportions have practically been reached, which makes cooperation all the more necessary.

44. In reply to certain concerns expressed, notably during the second Meeting with International Organizations, the Delegation of France wished to revert to certain peculiarities of its country's legislation.

(i) The national provisions specify, for each category of species, the elements of the plant to which the breeders' rights relate. In the case of ornamental plants, the rights relate also to the cut flower and, in the case of fruit crops, to all or part of the plant intended for the establishment of plantations for the commercial production of the fruit. This system gives full satisfaction.

(ii) The term of protection is 20 or 25 years, depending on the species and the constitution of their production elements. It does not seem desirable to increase this term at the national level as long as substantial differences subsist between States of the Union.

(iii) An Order issued in 1982 has amended the rules applied since 1974 to variety denominations in conformity with the Recommendations adopted by the

UPOV Council. In spite of the greater flexibility that has been given to them by the amendment, these rules are still considered too restrictive by users. The frequency of litigation is high, which does present problems both for users and for the Committee for the Protection of New Plant Varieties. In spite of that, there is no intention of amending the Order concerned.

45. A Ministerial Order dated June 25, 1985, increased examination fees to 2,330 francs for important species and 1,295 francs for garden or pot-grown ornamentals. Moreover, it was wondered whether there should not be a reduction in the administrative fee of 350 Swiss francs set at Union level for the transmittal of an examination report already drawn up for the purposes of another State.

46. With regard to cooperation in examination, the Delegation of the Federal Republic of Germany had already reported on the agreement recently concluded between the two countries (see paragraph 11 above). The agreement concluded with Belgium has been extended to five more taxa.

47. Whereas the agreements concluded by France to date have been with parties from Northern Europe, France has also had regular contact with its neighbors to the South, namely Spain and Italy, with which it is satisfied. This situation has to do with the geographical position of France, which affords benefits as well as imposes constraints. One of those benefits is the possibility of enjoying cooperation both with Northern and with Southern Europe.

48. The activity of the Committee for the Protection of New Plant Varieties is summarized in Annex III to this report in the form of cumulative data. In 1984, 554 applications were filed and 288 certificates issued.

49. In reply to a question from the Delegation of Denmark, the Delegation of France pointed out that its thoughts on the administrative fee of 350 Swiss francs charged for the transmittal of an examination report were prompted by the fact that it was sometimes higher than the examination fee charged in certain States. Clearly that was going to be an obstacle to cooperation. The process of reflection at the national level had not ended. Proposals would be made, if appropriate, but in any case it did seem that the question should soon be examined at Union level.

50. Hungary.-- The competent authorities have continued their public information effort started at the time of Hungary's accession to the UPOV Convention. In particular, the General Introduction to the UPOV Test Guidelines has been published in an Annex to the Official Gazette of the National Office of Inventions and made available to breeders. The examination of varieties carried out by the Institute for Plant Production and Qualification for the purposes of protection was based on the Introduction.

51. The Institute is now publishing annually the list of protected varieties in its list of varieties passed for multiplication. It has also published a handbook on the general principles governing variety denominations, which take the corresponding recommendations of UPOV into account.

52. In addition, the conduct of testing of varieties for distinctness, homogeneity and stability has been explained by means of posters at the National Agriculture and Food Exhibition.

53. In 1984 and during the first six months of 1985, the National Office of Inventions received 60 patent applications for plant varieties, a third of

them coming from abroad, especially the United States of America. In 1985, the Institute for Plant Production and Qualification was given 38 varieties of nine species to examine, namely: 15 sunflower, 8 maize, 6 soft wheat, 1 durum wheat, 2 lucerne, 3 lupin, 1 onion, 1 sweet sorghum and 1 foxglove. The varieties are of Hungarian (24), American (7) and French (7) origin.

54. Ireland.- There has been no change in legislation in the course of the past year. However, there are plans to extend protection shortly to 11 further taxa of agricultural crops.

55. A cooperation agreement has recently been concluded with the Netherlands; it relates to the examination of potato and perennial ryegrass.

56. Since the last session of the Council, 26 applications for protection have been received and 29 titles issued for varieties of potato (16), barley (6), wheat (3), oats (2), hybrid ryegrass (1) and Italian ryegrass (1). To date, 211 acceptable applications have been filed and 145 titles granted (16 of them since abandoned).

57. Israel.- The past year has not been marked by any event in particular. Protection applies to 75 taxa at present, but extension to another taxon is in progress.

58. In the course of the past year, 124 applications for protection have been filed, including 73 for foreign varieties. Titles of protection have been granted for 95 varieties (5 for agricultural or vegetable crops, 8 for fruit crops and 82 for ornamentals), including 74 of foreign origin. The number of titles at present in force is 266.

59. With regard to varieties of ornamental plants of foreign origin, the Israeli authorities have continued to base their decisions on the results of testing done by other member States. The authorities are however conscious of the limitations of this system, owing to the differences in the degree of expression of characteristics, seemingly due to climatic conditions and light intensity. These limitations make a year's further examination necessary under local conditions. With regard to varieties originating in the United States of America, the Israeli authorities have to undertake a full examination, as for local varieties, in view of the different examination system used by the United States of America.

60. Italy.- The Law ratifying the 1978 Act of the Convention has just been approved by Parliament and should shortly be published in the Official Gazette. This Law also amends the Plant Variety Protection Law. In particular it extends the possibility of providing protection to all types of plant, in other words including algae, mushrooms and bacteria, the only condition being that they be bred for agricultural or industrial purposes. It also changes the examination fees, which will be fixed by the Ministry of Agriculture and Forestry according to the actual cost of testing. Finally it introduces the one-year period of grace provided for in Article 6(1)(b)(i) of the Convention.

61. The Advisory Commission for the Technical Examination of Varieties, set up within the Ministry of Agriculture and Forestry, has continued its work and has given favorable reports on 109 varieties of vegetable crops, 9 varieties of fruit plants, 7 varieties of forest trees and 212 varieties of ornamental plants. The Patent and Trademark Office has also resumed its activity and in

the course of the last fifteen months has granted 87 patents for the following species (the bracketed figures correspond to the total number of patents granted for the species concerned): carnation 45 (79), rose 13 (16), rice 9 (18), strawberry 6 (6), soft wheat 5 (18), durum wheat 4 (4), barley 2 (9), lucerne 1 (1), peach 1 (1), apple 1 (1), poplar - (7). The total number of patents for varieties is now 160.

62. Finally, the Patent Office is at present considering a computerization project.

63. In reply to a question from the Delegation of the Federal Republic of Germany, the Delegation of Italy confirmed that the authorities of its country had not entered into any agreements on cooperation in examination with other member States. To its knowledge the question was one of fees. Agreements would however be concluded in the future, whereupon it would be possible to take over the results of testing carried out by other member States.

64. Japan.- The implementing regulations of the Seeds and Seedlings Law were amended on October 1, 1985, to extend protection to 37 further taxa. The extension will come into operation on December 1, 1985.

65. The Ministry of Agriculture, Forestry and Fisheries does not have enough test fields, and consequently much examination has to be carried out at the various institutes of prefectural governments. There are now plans to set up a new institute, which could be called "Center for Genetic Resources, Seeds and Seedlings," by reorganizing a number of national institutes. The new institute is expected to be entrusted with the testing of varieties for the purposes of plant variety protection. It should also serve as the framework for cooperation in examination, which the authorities expect to come into being in the near future. To that end the authorities are studying the examination systems of the other member States in order to align theirs on them.

66. Work continues on the drafting of test guidelines: 165 documents of this kind have been adopted so far, and 31 are in preparation. Also, the project for the development of objective methods of determining characteristics such as fragrance and pungency has entered its third year. Varieties of chili, tea, roses, grape vine and garlic have already been examined by gas chromatography, but the method has yet to be perfected before it is used as a routine test. In addition, studies are at present being made on the fragrance components of common stock and the pungency components of onion.

67. New Zealand.- Considerable efforts have been made since 1981 to remedy certain defects in the plant breeders' rights legislation that has now been in force for 12 years. Two Bills have been presented to Parliament but, even though the two major parties support the principle of plant variety protection, the Bills have not become law for political reasons. A third Bill was presented to Parliament on July 3 of this year; it was referred to a select committee, which completed the hearing of 25 organizations concerned at the beginning of this month.

68. The introduction of the Bill coincided with the first showing of a documentary film on various aspects of the seed question, entitled "The Neglected Miracle." The showing of the film stimulated a certain amount of anti-protection sentiment.

69. Certain groups have alleged that plant variety protection is a threat to indigenous flora. It should be remembered that the flora is quite unique owing to the geographical isolation of the country; unknown species are still being discovered by botanists. The environmentalists have expressed the fear that those discoveries could be at risk if they had to be placed under plant variety protection. It has been suggested that protection should not apply to indigenous plants or, failing that, to discoveries.

70. The Bill provides for a three-year period of exclusive rights, calculated from the grant of the title of protection, during which no compulsory license may be issued. This proposal has caused very strong reactions, some favorable and others opposed to it.

71. At present the Law applies to all types of plants, with the exception of algae, fungi and bacteria. A number of interventions were made asking for the new Act to be so drafted that it left open the possibility of extending protection to varieties of fungi and bacteria if there should be a need for it.

72. In the course of the past year, fees have been increased by about 36%.

73. For the first time the New Zealand authorities are considering basing a decision on an examination report supplied by another member State, namely the Netherlands, for a variety of alstroemeria.

74. The volume of work of the Plant Varieties Office during the period from October 1, 1984, to September 30, 1985, is summarized in the table below:

	Applications received	Titles granted	Titles in force
Agricultural crops	16	4	56
Fodder crops	2	9	10
Ornamentals	42	19	131
Fruit crops	12	4	25
T O T A L	72	36	222

It should be mentioned that, during this period, applications have been filed for the first time in respect of the following species: ginger, sulla (*Hedysarum coronarium*), rye, kiwifruit, gooseberry, persimmon, alstroemeria, camellia, everlasting and waratah (*Telopea speciosissima*).

75. Netherlands.— The Netherlands is observing with great interest the progress of the technology whereby genetic codes can be directly modified. Applied to plants, this technology is a fundamental method of plant breeding. Some consider a new era to be dawning for plant breeding. It should however be borne in mind that this new technology can adversely affect the availability of plants and the legal protection of the breeder. Its introduction, whether already effected or expected in the future, may call for legislative amendments.

76. One important aspect of the question in particular, which the Netherlands is examining closely, is the improvement of propagation techniques whereby plantlets may be produced on the farm. This question sheds new light on that of the desirable extent of protection.

77. Of course the Netherlands will also consider with interest any opinion reached at the international level on this development; such an opinion could well be forthcoming within UPOV.

78. It should also be mentioned in that connection that the English translation of the report on "Plant Breeders' Rights and Patent Rights in Relation to Plant Genetic Engineering" has been published and distributed.

79. The Netherlands plans to amend the provision on novelty according to the new text of Article 6(1)(b) and to introduce a transitional limitation of the requirement of novelty under Article 38 of the 1978 Act of the Convention.

80. With regard to cooperation in examination, a report has already been given on the agreement concluded with Ireland (see paragraph 55 above). The Netherlands is convinced that great progress will also be made on the basis of the Model Agreement that the Council adopted at its last session. By expressing their willingness to accept test results from their partners, States participating in the cooperation system will be able to achieve a higher degree of efficiency; still more important is the fact that better harmonization of methods of testing and of interpretation of their results can be expected.

81. A mention should be made at the present stage of the relation between cooperation in examination and the extension of the Netherlands' list of protected taxa. The procedure has been initiated for extension of protection to some 35 taxa. The extension should come into effect by the middle of next year.

82. Finally, in 1984, 918 applications for protection were filed and 316 titles issued (60 for varieties of agricultural crops, 43 for varieties of vegetable and fruit crops and 213 for ornamental varieties). 2,198 varieties were protected at the end of 1984.

83. United Kingdom.— The plant variety protection system has not undergone any major change in the course of the past year. It should however be noted that the fee schedule has been revised and simplified.

84. Protection has also been extended to *Choysia*, to *Crocoshmia*, to *Curtonus*, to *Epiphyllopsis*, *Rhipsalidopsis*, *Schlumbergera* and their hybrids, to *Euphorbia pulcherrima*, to *Gerbera* and to *Nerine*, and also to the whole of the genus *Rubus*.

85. Generally speaking, the plant variety protection system is still under a heavy strain, particularly in the agricultural sector, and testing potential is being used to the full in a climate of budgetary stringency and rising costs. This is the climate in which the United Kingdom wishes to take as active a part as possible in the cooperation system, notably in order to reduce costs. Very profitable discussions have been held with the Federal Republic of Germany and the Netherlands, and attention is now being given to the revision of the bilateral agreements concluded with those countries. Discussions will be started with other countries, mainly Denmark and France, before the end of the present year or at the beginning of next year.

86. With regard to genetic engineering and its implications for plant variety protection and patents, the Plant Variety Rights Office has taken steps towards improving relations with the United Kingdom Patent Office in order to establish mutual understanding.

87. Finally, in the course of the past year, 370 applications were filed and 278 titles of protection issued. 850 varieties are expected to be tested in 1985, including 210 for other member States.

88. Sweden.- There has been no legislative amendment in the course of the past year, except for an extension of protection to triticale.

89. As far as the implications of genetic engineering are concerned, it is hoped that there will in the near future be discussions in Sweden between industry and the competent plant variety protection and patent authorities. It is also hoped that the motion adopted by the Governing Board of the Nordic Gene Banks will be submitted to Parliament, and that there will be a working group in Sweden, and thereafter at Nordic level, to consider these highly delicate questions. The text of the motion is as follows:

"Not being able to deny that it might be reasonable to ensure to an enterprise which has created a valuable new gene by means of biotechnology an adequate remuneration, the Governing Board recommends that the problems be subject to a study in depth, preferably if possible on an international basis, of the possibilities to ensure to other persons than the patentee the right to use plants created by genetic engineering for the purposes of further breeding and other activities which the UPOV Convention allows and at the same time ensure to the enterprise having performed the genetic engineering an adequate remuneration."

90. In the course of last year, 47 applications were filed and 21 titles of protection issued. At the end of the same year, 182 titles were in force. A third of them related to varieties of ornamental plants of foreign origin.

91. Switzerland.- In the course of the past year, events and the general situation in Switzerland have not been very favorable to the protection of plant varieties.

92. Mr. Roger Kämpf died suddenly in September. Mr. Kämpf was Section Head at the Federal Intellectual Property Office; he took part in the 1978 Diplomatic Conference and also in a number of meetings of the Administrative and Legal Committee when the questions dealt with related also to patents and trademarks. The Plant Variety Protection Office has lost a highly competent adviser, and UPOV circles a friend.

93. At the last session of the Council, a project for amendment of the Law was announced, the effect of which would be to extend protection to the propagation of a protected variety of fruit plant for the propagator's own purposes. The draft passed through all the stages of the administrative proceedings without any problem, but then it came up against the very full work program of Parliament. It now seems that the process of outside consultation and Parliamentary approval will have to be postponed to the next legislature, in other words to 1988 at the earliest.

94. The extension of protection to further taxa has never presented as many difficulties. The problem arises mainly with ornamentals, and it appears to be due to a "freeze" on staff. Other means of bringing this about will therefore have to be found. However, even in the present state of discussions, it seems unlikely that protection will be extended to Swiss chard. On the other hand, the Fruit Section of the Federal Agronomic Research Station of Wädenswil is showing interest in the protection of kiwifruit, with a view to the renewal of the variety assortment. Moreover, the list of ornamental plants to be protected could be enlarged to include Exacum.

95. The development of the volume of activities of the Plant Variety Protection Office is shown in the table given in Annex IV to this report. Briefly, as of October 7, 1985, a total of 301 applications have been received, including 20 that have subsequently been rejected or withdrawn. As of the same date, 172 varieties are under protection, and 28 titles of protection have been abandoned.

b. Statements by the Representatives of Non-Member States

96. Argentina.- Argentina has a Law on the Protection of Plant Varieties, and is considering the possibility of acceding to UPOV shortly.

97. A seminar will be organized in Buenos Aires next December on the subject of plant variety protection and seed questions. The Argentine authorities are intent on obtaining UPOV cooperation.

98. Finland.- The desirability of plant variety protection under an international treaty was considered between 1973 and 1977. It resulted in a Law to promote plant breeding, which was adopted in 1978. The Law does not conform to the principles laid down in the UPOV Convention: it provides for the charging of a fee on marketed seed in the case of the main agricultural crops. The amount of the fee is laid down by law, and it was revised in 1983. The revenue collected by the State Seed Testing Station is shared out between breeders.

99. The fees charged for foreign varieties are paid to their breeders if there is reciprocity in that respect between Finland and the State of which they are nationals. Such fees have been paid to Danish, Dutch, Swedish and (since this year) Norwegian breeders.

100. A mention should be made in this connection that since 1975 there has been a seed certification system in Finland which also takes breeders' interests into account in so far as the production of seed of a variety relies on seed from them.

101. Interest has recently been revived in protection conforming to the principles of UPOV. Finland will keep its position under review in this respect.

102. Greece.- The Parliament of Greece has voted a new Seed and Seedlings Law, which was published in the Official Gazette on September 26, 1985. This Law also provides for the protection of plant varieties; in that respect it conforms to the UPOV Convention, as it has been based on the UPOV Model Law, apart from which the comments made by the Office of the Union on the draft Law have been taken into account.

103. Implementing regulations will be introduced and administrative and technical structures established at the beginning of next year. It is hoped that Greece will submit its application for accession to the Union at the end of that same year.

104. Morocco.- Morocco has seed and seedlings legislation, and in particular an official catalogue of varieties. It is at present considering the possibility of completing that legislation, which is all the more desirable since the country has dealings with a large number of countries, especially those of the European Economic Community, with which it has very close relations.

105. This step calls for considerable reflection, as the practical position is somewhat complex. There are in Morocco varieties that belong to private companies, either Moroccan or foreign, the latter mainly European established in Morocco. Those varieties belong mainly to market-garden, ornamental, sugar and oil crops. There are also varieties bred by national research bodies, particularly the National Agronomic Research Institute. Those are mainly cereal varieties. In view of the fact that the cereal sector has priority in Morocco, a special effort has been made with plant breeding in recent years, and an average of five to six new varieties of durum wheat, soft wheat, barley and maize are released every year. Some fodder varieties have also been bred by the Institute, notably a sweet lupin which seems to be of considerable interest to certain European States.

106. The thoughts on legislation also relate to the possibilities for improvement of the situation. Morocco's participation in UPOV meetings as an observer State, and the advice that UPOV could give where required, will be useful to the rapid introduction of plant variety protection. Nevertheless, that protection will perhaps have special characteristics determined by Morocco's circumstances.

107. Norway.- As far as plant variety protection is concerned, there have not been any new events in Norway since the last session of the Council. However, a fee system comparable to Finland's (see paragraph 98 above) was introduced on July 1 of this year.

108. Poland.- A great deal of time has been devoted during the past year to the writing of the draft law dealing with all seed problems, including plant variety protection. A draft has been accepted by all the Ministers concerned. At present the Legal Office of the Council of Ministers, in cooperation with the Ministry of Agriculture and Food Economy, is putting the draft into its final legal form for submission to the Council of Ministers. It is hoped that the draft will be presented to the Diet by the Government in the spring of 1986.

109. All the departments concerned have agreed to conform to the rules and principles of the UPOV Convention in the draft law, which has to lay down the legal foundation that will enable Poland to accede to UPOV. The Polish authorities value the international cooperation within UPOV, and are showing a great interest in Poland's accession to the organization.

110. The Chairman noted with pleasure the progress made by Poland, and expressed the wish that the Delegation of that country might soon leave its observer seat to take up that of a fully-fledged member of UPOV.

c. Statements by the Representatives of Organizations

111. European Communities.- With regard to the introduction of a European/Community system for the protection of new plant varieties, the Commission is still engaged in the necessary action. A preliminary draft may be expected to circulate in 1986, whereupon the consultation procedure may be set in motion.

112. United Nations Food and Agriculture Organization (FAO).- The activities of the FAO in the varieties and seed sector are various. First, the matter of plant variety protection and patents is being carefully considered. In particular, a certain number of national seed laws are being examined, and FAO officials have had discussions on the subject with national authorities and international organizations, including UPOV.

113. The question of genetic engineering and its use for plant improvement and seed and seedling production has also been embarked upon. Studies have been started and guidelines have already been published, notably on the micropropagation of potatoes, or are in the process of being made, as in the case of sweet potatoes.

114. The FAO is in the process of devising a new seed quality control system, owing to the fact that it has had difficulty in using the systems operating in the United States of America and Europe for its aid to developing countries. The new system is based on recognized varieties descriptions, official criteria, especially with respect to purity, and a statement by the producer on the quality of the seed.

115. With regard to genetic resources, it will be remembered that the Conference of the FAO adopted Resolution 8/83, containing an international undertaking, while the Council of the FAO adopted Resolution 1/85, concerning the Plant Genetic Resources Commission. Since the first session of the Commission, and in response to circular letters from the Director General of the FAO dated February 22 and April 6, 1984, 76 member States have announced their endorsement of or support for the undertaking. Of the 13 non-member States, only three have replied so far. In addition, the number of members of the Commission has increased from 67 to 77.

116. Pursuant to the recommendations of the Commission, a 23-member working group has been formed to follow up the application of the work program of the Commission, and to deal with any other question referred to it by the latter. The working group will be meeting on April 17 and 18, 1986, to review activities in progress.

117. In addition, in order to initiate the activities deriving from the recommendations of the Commission, a working group has been set up within the Secretariat and has started work. In this connection a special mention should be made of the legal questions concerning the exchange of plant genetic resources in situ and ex situ, the question of the participation of non-member States in the work of the Commission, and questions concerning research, conservation in situ, information systems and training.

d. Documents of the Office of the Union

118. The Council noted the contents of documents C/XIX/5, 6, 7 and 8.

119. It was pointed out that, as a result of the extension of the cooperation agreement between Belgium and the Netherlands, the brackets around the letters BE should be removed from the following entries: 16 (Anthurium), 55 (Cynosurus cristatus), 70 (Festuca ovina), 81 (Hippeastrum), 85 (Hyacinthus orientalis), 134 to 137 (Poa).

120. On the subject of document C/XIX/6, the following amendments are to be made in the GB column:

- (i) Entry No. 326 (Erica gracilis): delete "X2";
- (ii) Entry No. 368 (Fuchsia magellanica): add "Munz" after "(Ruiz and Pav.)";
- (iii) Entry No. 532 (Monarda): replace "X2" by "X1";
- (iv) Entry No. 706 (Pulsatilla): replace "X2" by "X1";
- (v) Entry No. 796 (Spartium): replace "X1" by "X2."

121. Finally, with reference to document C/XIX/8, it was pointed out that the statistics for Italy were out of date. The up-to-date statistics are given in paragraph 61 above.

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

122. The Council noted the report on the work of the thirty-first session of the Consultative Committee as given in paragraph 2 of document C/XIX/2 Add., and also the oral report by the President on the work of the thirty-first and thirty-second sessions.

Report by the Secretary-General on the Activities of the Union in 1984 and in the First Nine Months of 1985

123. The Council unanimously approved the report by the Secretary-General as contained in document C/XIX/2 and in its supplement (document C/XIX/2 Add.).

Report by the Secretary-General on his Management and on the Financial Situation of the Union in 1984

124. The Council unanimously approved the report by the Secretary-General as contained in document C/XIX/3.

Presentation of the Report Concerning the Auditing of the Accounts for 1984

125. The Council unanimously approved the report by the Secretary-General as contained in document C/XIX/3.

Progress of the Work of the Administrative and Legal Committee

126. The Council unanimously approved the report on the progress of the work of the Administrative and Legal Committee and of its Biotechnology Subgroup as contained in document C/XIX/9. It also noted the oral reports given by the Chairmen of the Administrative and Legal Committee and the Biotechnology Subgroup.
127. In his oral report, the Chairman of the Subgroup announced that the Subgroup had met the previous day. It had not been able to draw final conclusions, on the one hand owing to the complexity of the problem and on the other hand owing to the fact that legislation and above all case law were not yet very precise, and finally owing to the fact that the international organizations had only just presented their opinions.
128. A number of documents had been handed to the Office of the Union, which had been entrusted with the writing of a preliminary draft. No time limit had been set for that, in view of the scale of the task. It had been agreed that two areas in particular should be explored, namely the protection of genes and the protection of methods.
129. The Chairman of the Subgroup ended his report on the latest events by pointing out that a number of problems had been raised, but that they related almost exclusively to the patent sector.
130. The Council further noted with approval the plans for the future work of the Committee and the Subgroup as indicated in document C/XIX/9.
131. After a detailed discussion, the Council approved the proposals made by the Secretary-General that UPOV and WIPO should jointly and on equal footing convene a meeting on January 10, 1986, with international non-governmental organizations representing both plant breeding and patent interests, and that the Office of the Union should prepare, as a basis for discussion at that meeting, a paper extolling the merits of the plant protection system. It referred to the Consultative Committee the decision on other details.

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

132. The Council unanimously approved the report on the progress of the work of the Technical Committee and of the Technical Working Parties as contained in document C/XIX/10. It also noted the oral report given by the Chairman of the Technical Committee.
133. It further noted with approval the plans for the future work of these organs as indicated in the above-mentioned document.
134. It also confirmed that experts from non-governmental organizations could always be invited to parts of Technical Working Party sessions.

Report by the President on the Second Meeting With International Organizations

135. As a general comment, the President mentioned that UPOV was duty bound to have consistent relations with the international non-governmental organizations

that represented the users of the plant variety protection system. The majority of member States preferred to have the essential part of the work of UPOV take place in the absence of those organizations; it was for that reason that the solution had been adopted whereby periodical meetings were held to obtain the opinions of users on current problems and also on action taken or envisaged by UPOV.

136. The second Meeting with International Organizations had taken place on October 15 and on the morning of October 16, 1985. The Vice Secretary-General had reported on the new circumstances obtaining since the previous meeting. A brief debate had followed on the UPOV Recommendations on Variety Denominations, at the end of which it had been proposed that a meeting should be convened at the beginning of the following year between governmental experts and experts from organizations, in order to consider action that, according to certain organizations, was presenting problems.

137. The question of minimum distances between varieties had been considered at the request of the international organizations. The viewpoints expressed had been very varied, but all the organizations had agreed that the minimum distances should not be reduced; indeed some wanted greater distances. It had also been proposed that account should be taken not of differences alone, but rather of similarities and differences at the same time. It had finally been pointed out that the question had to be dealt with species by species, and that in certain cases it was for the experts on the species concerned to settle the matter.

138. With regard to international cooperation in examination, all the organizations declared themselves in favor of it, but with varying degrees of firmness. It was indicated that, in certain cases, several testing sites would be needed, for instance one for Northern Europe and another for Southern Europe. Finally, the President pointed out that, while the organizations wanted cooperation, it had been observed in practice that breeders were not always well disposed towards the prospect of their varieties being tested abroad.

139. The next item on the agenda had been the application of the Convention to botanical genera and species. The organizations were in favor of the broadest possible application. More specifically, they wanted a situation where, if a species were protected in one member State, it would qualify for protection in the others, and where, if a species proved interesting for breeders, it would be protected. The President added that UPOV had made considerable efforts in that area thanks to cooperation in examination.

140. The question of the protection of the results of biotechnological work was debated at great length. The President confined himself to observing that breeders' organizations did not yet seem to have very clear and well-established positions in that respect. On the other hand it had been noted that no one disputed the important role played by plant variety protection. The patent seemed bound to invade the plant world; some wanted the two types of protection to cohabit, even to the extent of wanting the breeder to have a choice. Those were points that had yet to be clarified, however.

141. Finally, the organizations had expressed the wish that the protection conferred under certain national legislations on plant variety protection should be extended to cover areas beyond the breeder's reach. One example given had been that of micropropagation, and its use by a fruit or vegetable producer who would lay down a commercial orchard on the basis of a single plant bought and multiplied by micropropagation without having to pay royalties except for the single plant bought.

142. The President ended by emphasizing that the Meeting had been extremely useful, and that meetings of that kind would continue to be essential for as long as the committees of UPOV worked without the presence or participation of organizations. At that stage it was for the committees in question to make their analysis of the results of the meeting.

143. The Council noted the oral report by the President on the proceedings of the second Meeting with International Organizations.

144. The Delegation of France, speaking in the name of all the delegations, expressed its satisfaction with the manner in which the debates had been conducted by the various Presidents and Chairmen. It added that, in its opinion, the problems had been better appreciated that time, on the part of both member States and organizations, and that both parties were duly aware that a turning point in the history of UPOV had been reached.

Examination and Approval of the Program and Budget of the Union for the Biennium 1986-87

145. Discussions were based on document C/XIX/4 and on extracts therefrom amended according to the recommendations of the Consultative Committee. The amendments that still have some relevance were the following:

(i) Salaries and Common Staff Costs: The provision of 2,307,000 Swiss francs was reduced by 40,000 Swiss francs to 2,267,000 Swiss francs, the percentage increase for the biennium being thus reduced from 11.1% to 9.1%;

(ii) Official Travel: On page 8, the provision of 84,000 Swiss francs under the heading "General Missions" was corrected to 83,000 Swiss francs and the provision of 13,000 Swiss francs under the heading "Delegation of UPOV Staff to Paris (25th Anniversary)" to 14,000 Swiss francs;

(iii) Comparison of Income: As a consequence of the amendment recorded in item (i) above, the total income was reduced by 40,000 Swiss francs from 3,792,000 Swiss francs to 3,752,000 Swiss francs, the percentage variation being thus reduced from 10.9% to 9.7%; the amount of contributions payable by member States for the 1986-87 biennium was set at 3,568,000 Swiss francs instead of 3,608,000 Swiss francs.

146. The Council decided by show of hands that the contributions for the biennium should not be payable by halves in 1986 and 1987 but on the basis of a unit amounting to 42,512 Swiss francs for 1986 and 44,512 Swiss francs for 1987. A table showing the contributions of member States is given in Annex V to this document.

147. The Secretary-General drew the attention of the Council to the fact that this unequal apportionment meant an increase of 5.8% in 1986 over 1985 --exceeding the 5% limit announced by one Delegation in the Consultative Committee--and an increase of 4.7% in 1987 over 1986.

148. On an enquiry from the Delegation of Italy, the Secretary-General stated that, from the information so far available, expenditure would be some 40,000 Swiss francs less than that provided for in the 1985 budget. The savings would be credited to the Reserve Fund. According to the budget assumptions, the Reserve Fund would stand at 66,000 Swiss francs at the end of the biennium.

149. The Delegations of Italy and of the United States of America also questioned the necessity for the heading "Unforeseen."
150. The Secretary-General referred to the discussions that had already taken place in the Consultative Committee and stated that the meeting planned for January 10, 1986 (see paragraph 131 above), was a perfect example showing the need of the heading.
151. The Council adopted the proposed budget, with the amendments shown in paragraph 145 above, by consensus, with one abstention (Delegation of the United States of America) and one opposition (Delegation of Japan).
152. The Delegation of Ireland withdrew its reservation made in the Consultative Committee.
153. The Delegation of France took note of the efforts made by the Secretary-General with a view to compressing the budget and providing for progressive rather than uniform contributions over the biennium. It also noted that the expenses in 1984 were lower than budgeted and complimented the Secretary-General on his rigorous management. It wished to recall that all member States were suffering from financial constraints and that the increases voted were higher than permitted at national level. It expressed hope and confidence that the Secretary-General would continue to have the same care for public moneys.
154. The Delegation of the Federal Republic of Germany concurred with the views expressed by the Delegation of France. Having noted that the heading "Unforeseen" had become a subject for discussion, it invited the Secretary-General to examine whether it should continue to be calculated, as a matter of principle, on the basis of 1% of the expenses proper to UPOV.

#### Medium-Term Plan for 1988-91

155. Discussions were based on part II of document C/XIX/4.
156. The attention of the Council was drawn to the fact that it was invited to take note of the medium-term plan, which did not bind member States for any future discussion on budget matters. Discussions had therefore to be limited to an exchange of views that were to be recorded in the report.
157. The Council noted the medium-term plan for 1988-91. It expressed agreement with the objectives as set out in chapter I of part II of document C/XIX/4. As regards the activities described in chapter II of that document, the following remarks were made:

(i) Periodicity of Symposia and Meetings With International Organizations (Paragraph 22(ii) and (iii)): The Delegation of Italy stated that it could accept yearly symposia, but that no periodicity should be foreseen for the meetings with international organizations. The Delegation of the Federal Republic of Germany, supported by the Delegations of Denmark, the Netherlands and the United Kingdom, stated that no decision whatsoever should be taken in that respect in order to allow for flexibility. In particular, meetings with international organizations should be held according to needs.

(ii) Staff Requirements (Paragraph 22(v)): The Delegation of the Netherlands referred to a statement it had made at an earlier Council session, to the effect that the replacement of an official of UPOV on cessation of service should be submitted to the Council for examination of its necessity. It expressed disagreement with the last sentence of paragraph 22(v). Disagreement was also shown by the Delegations of Denmark, France, the Federal Republic of Germany, Italy and the United Kingdom.

(iii) Fluctuations and Exceptional Events (Paragraph 23): The Delegation of France would have wished that the phrase "which will cause additional expenses," referring to the celebration of the 25th anniversary of the signing of the UPOV Convention, be deleted. It was supported by the Delegation of Italy.

#### Calendar of Meetings in 1986 and 1987

158. Discussions were based on document C/XIX/11.

159. As regards the meetings in 1986, the Council noted the following:

(i) The Technical Working Party for Ornamental Plants and Forest Trees would meet from July 16 to 18, 1986, with a Subgroup meeting on July 15 (instead of July 2 to 4, 1986, and July 1).

(ii) There would be a meeting, on January 10, 1986, of a UPOV/WIPO group of experts on biotechnology, industrial property and plant variety protection.

(iii) The Delegation of the United States of America invited the Biotechnology Subgroup to hold a meeting in Washington D.C. from March 12 to 14, 1986. Further meetings would be held according to needs, in conjunction with the sessions of the Administrative and Legal Committee.

160. As regards the meetings in 1987, the Council considered the dates to be tentative only.

161. The Delegation of New Zealand noted with satisfaction that in the tentative calendar of meetings for 1987, the sessions of the Council, the Consultative Committee, the Administrative and Legal Committee and the Technical Committee and the Meeting with International Organizations were grouped together, which would facilitate fuller participation by delegations from distant countries.

162. The Delegation of the Federal Republic of Germany pointed out that the international organizations had expressed the wish that meetings with international organizations be held for one day only and that the tentative calendar of meetings for 1987 would have to be reconsidered accordingly.

#### Election of a New Chairman of the Administrative and Legal Committee

163. The Council unanimously elected Mr. F. Espenhain (Denmark) as Chairman of the Administrative and Legal Committee for a term of office of three years expiring at the end of the twenty-second ordinary session of the Council, in 1988.

164. The office of Vice-Chairman having become vacant owing to the above election, the Council unanimously elected Mr. M. Simon (France) to that office for the same term.

165. The Council thanked the outgoing Chairman, Mr. M. Heuver (Netherlands) for the work that he had accomplished at the head of the Administrative and Legal Committee.

#### Retirement

166. The Council was informed that Mr. R. D'Hoogh (Belgium) was attending a UPOV session for the last time. In the name of UPOV, the President congratulated him on his contribution to the work and the development of UPOV and expressed his best wishes for a long and happy retirement.

167. The indented paragraphs of this report were adopted by the Council at its meeting of October 18, 1985, and the remaining paragraphs have been adopted by correspondence.

[Annexes follow]

## ANNEX I/ANNEXE I/ANLAGE I

LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS/  
TEILNEHMERLISTE

## I. MEMBER STATES/ETATS MEMBRES/VERBANDSSTAATEN

BELGIUM/BELGIQUE/BELGIEN

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III. INTERGOVERNMENTAL ORGANIZATIONS/  
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Mr. S.D. SCHLOSSER, Vice-President

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Dr. A. BOGSCH, Secretary-General  
Dr. H. MAST, Vice Secretary-General  
Dr. M.-H. THIELE-WITTIG, Senior Counsellor  
Mr. A. HEITZ, Senior Officer  
Mr. A. WHEELER, Senior Officer  
Mr. M. TABATA, Associate Officer

VI. OFFICE OF WIPO/BUREAU DE L'OMPI/BUERO DER WIPO

Mr. M. LAGESSE, Controller

[Annexe II follows/  
L'annexe II suit/  
Anlage II folgt]

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## ANNEX II

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

	1977	1978	1979	1980	1981	1982	1983	1984	1985**	total
<u>Agricultural Crops</u>										
Barley	-	17	1	2	2	8	4	4	2	40
	-	-	15	2	2	2	8	5	2	36
Field Bean	-	-	-	-	-	-	-	1	-	1
	-	-	-	-	-	-	-	1	-	1
White Clover	-	-	-	1	-	-	-	-	-	1
	-	-	-	1	-	-	-	-	-	1
Meadow Fescue	-	-	-	2	1	-	-	-	-	3
	-	-	-	2	-	-	-	-	1	3
Red Fescue	-	-	-	7	-	-	-	-	-	7
	-	-	-	7	-	-	-	-	-	7
Flax, Linseed	-	-	2	6	2	-	-	1	-	11
	-	-	-	7	-	-	3	-	-	10
Hop	-	-	-	-	-	-	-	2	-	2
	-	-	-	-	-	-	-	2	-	2
Smooth Stalked Meadow-grass	-	-	-	4	-	-	-	-	-	4
	-	-	-	4	-	-	-	-	-	4
Oat	-	10	2	-	2	2	1	1	-	18
	-	-	11	-	2	2	-	1	1	17
Potato	-	-	-	33	-	-	4	2	1	40
	-	-	-	29	3	1	-	2	5	40
Rye	-	1	1	-	-	-	-	-	-	2
	-	-	2	-	-	-	-	-	-	2
Hybrid Ryegrass	1	1	-	-	-	-	-	-	-	2
	-	-	1	1	-	-	-	-	-	2
Italian Ryegrass	-	4	-	-	-	-	-	-	-	4
	-	-	4	-	-	-	-	-	-	4
Perennial Ryegrass	1	6	3	3	-	1	-	1	-	15
	-	-	7	-	1	2	-	-	1	11
Spelt	-	1	-	1	-	1	-	-	-	3
	-	-	1	-	1	1	-	-	-	3
Turnip	-	-	-	1	-	-	-	-	-	1
	-	-	-	-	-	-	1	-	-	1
Bread Wheat	1	20	4	3	2	4	1	8	1	44
	-	1	20	4	2	2	4	6	3	42

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

\*\* Until September 30, 1985

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	1977	1978	1979	1980	1981	1982	1983	1984	1985**	total
<u>Fruit Crops</u>										
Apple	-	1	1	1	1	4	8	-	4	20
	-	1	-	1	-	1	1	-	6	10
Cherry	-	-	-	-	-	-	1	-	2	3
	-	-	-	-	-	-	-	-	-	-
Black Currant	-	-	-	-	-	-	-	-	2	2
	-	-	-	-	-	-	-	-	2	2
Red and White Currants	-	-	-	-	-	-	-	-	3	3
	-	-	-	-	-	-	-	-	-	-
Pear	-	-	-	-	-	-	2	-	1	3
	-	-	-	-	-	-	-	-	-	-
Plum	-	-	-	1	-	2	-	-	-	3
	-	-	-	1	-	-	-	-	-	1
Raspberry	-	-	-	-	-	-	-	1	-	1
	-	-	-	-	-	-	-	-	-	-
Strawberry	-	8	2	-	3	1	4	-	-	18
	-	8	-	2	-	-	5	1	1	17
<u>Vegetables</u>										
Cauliflower	-	-	-	-	1	-	-	-	-	1
	-	-	-	-	-	-	1	-	-	1
French Bean	-	13	1	-	2	-	-	-	1	17
	-	5	3	4	-	-	1	-	-	13
Lettuce	-	-	2	1	1	-	-	-	-	4
	-	-	-	2	-	1	-	-	-	3
Pea	-	17	2	-	-	2	1	2	2	26
	-	6	7	2	2	-	-	1	1	19
Black Salsify	-	-	-	2	-	1	-	1	-	4
	-	-	-	1	-	-	-	-	-	1
<u>Ornamental Species</u>										
Azalea	-	4	1	3	3	-	3	1	8	23
	-	-	2	3	5	1	1	3	-	15
Bromeliaceae	-	-	-	-	-	2	1	1	-	4
	-	-	-	-	-	-	-	-	-	-
Carnation	-	-	4	-	2	-	-	-	-	6
	-	-	-	4	2	-	-	-	-	6
Chrysanthemum	-	-	-	-	-	13	14	12	-	39
	-	-	-	-	-	1	12	1	6	20
Freesia	-	-	-	-	-	-	1	-	-	1
	-	-	-	-	-	-	-	1	-	1
Rose	-	40	8	17	21	11	23	26	21	167
	-	-	19	9	26	27	12	18	13	124
<u>Forest Trees</u>										
Poplar	-	13	-	-	-	-	-	-	-	13
	-	-	-	13	-	-	-	-	-	13
TOTAL	3	156	34	88	43	52	68	64	48	556
	-	21	92	99	46	41	49	42	42	432

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

Cumulative data as at the 31st of December of each year

Years	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
Data													
Number of applications	608	739	855	1038	1311	1695	2075	2456	2910	3336	3834	4450	5004
Number of withdrawals	-	14	46	80	138	174	232	326	415	536	671	821	953
Number of rejections	-	-	-	2	9	15	30	33	51	59	66	77	89
Number of applications examined	-	36	319	494	701	970	1266	1489	1802	2385	2871	3409	3843
Number of certificates issued	6	28	279	418	560	687	910	1036	1242	1696	2040	2217	2505
Number of certificates expired or abandoned	0	5	26	26	53	80	122	194	279	405	481	629	876
Number of certificates in force	6	27	274	392	513	607	788	842	963	1291	1559	1788	1929

ANNEX III

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[Annex IV follows]

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USE MADE BY BREEDERS OF THE PLANT VARIETY  
PROTECTION SYSTEM IN SWITZERLAND\*

Year	1977	1978	1979	1980	1981	1982	1983	1984
Number of protected taxa	5	5	5	23	23	23	44	44
Number of applications	6 (6)	22 (28)	7 (35)	62 (97)	17 (114)	35 (149)	47 (196)	64 (260)
Number of withdrawn or rejected applications	- (-)	- (-)	- (-)	1 (1)	- (1)	6 (7)	4 (11)	4 (15)
Number of protected varieties	- (-)	1 (1)	16 (17)	3 (20)	21 (41)	40 (81)	10 (91)	44 (135)
Number of abandoned or lapsed titles of protection	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	14 (14)

\* The numbers in parentheses correspond to cumulative data as at the 31st of December of each year

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## ANNEX V

## CONTRIBUTIONS OF MEMBER STATES

(expressed in Swiss francs)

1984 Actual	1985 Actual	Member States	Number of Units	Biennial Budget 1986-87	
				Payable in 1986	Payable in 1987
39,024	40,195	<u>Value of one unit</u>		42,512	44,512
58,537	60,294	Belgium	1.5	63,768	66,768
58,537	60,294	Denmark	1.5	63,768	66,768
195,122	200,975	France	5.0	212,560	222,560
195,122	200,975	Germany, Fed. Rep. of	5.0	212,560	222,560
19,512	20,097	Hungary	0.5	21,256	22,256
39,024	40,195	Ireland	1.0	42,512	44,512
19,512	20,097	Israel	0.5	21,256	22,256
78,048	80,390	Italy	2.0	85,024	89,024
195,122	200,975	Japan	5.0	212,560	222,560
117,074	120,585	Netherlands	3.0	127,536	133,536
39,024	40,195	New Zealand	1.0	42,512	44,512
39,024	40,195	South Africa	1.0	42,512	44,512
39,024	40,195	Spain	1.0	42,512	44,512
58,537	60,294	Sweden	1.5	63,768	66,768
58,537	60,294	Switzerland	1.5	63,768	66,768
195,122	200,975	United Kingdom	5.0	212,560	222,560
195,122	200,975	United States of America	5.0	212,560	222,560
<u>1,600,000</u> =====	<u>1,648,000</u> =====		<u>41.0</u> =====	<u>1,743,000</u> =====	<u>1,825,000</u> =====

[End of document]