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

GENEVA

## COUNCIL

Seventeenth Ordinary Session  
Geneva, October 12 to 14, 1983

## 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 seventeenth ordinary session in Geneva from October 12 to 14, 1983.
2. The session was presided over by the President of the Council, Dr. W. Gfeller (Switzerland).

The President welcomed the participants, particularly the representatives of those States that were not members of UPOV and of the intergovernmental organizations. He drew attention to the fact that Zimbabwe was represented for the first time at an ordinary session of the Council and he addressed a most special welcome to its representative, Dr. S.C. Muchena.

3. The list of participants is attached as Annex I to 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 14, 1983 (document C/XVII/14).

Adoption of the Agenda

5. The Council adopted the agenda as reproduced in document C/XVII/1.

Lectures and Discussions on "Nomenclature"

6. The Council devoted its meeting of October 12 to lectures and discussions on "nomenclature." The proceedings of this symposium will be the subject of a special publication and will also be published in "Plant Variety Protection."

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

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

The following main information was supplied under this agenda item.

a. Statements Made by the Representatives of Member States

8. South Africa.-- At the last session of the Council, the representative of South Africa had announced that his country's plant breeders' rights legislation was to be amended in order to make it easier to cooperate in examination. That amendment had been introduced by the Plant Breeders' Rights Amendment Act No. 38 of 1983, which entered into force in April 1983. The registrar was thus able to conclude agreements in respect of cooperation with the other UPOV member States. Negotiations initiated in 1982 with Israel and the Netherlands, and which had been interrupted due to that gap in the law, had now therefore been resumed. In the meantime, South Africa had acquired five examination reports on chrysanthemum from the United Kingdom authorities and one report on a nectarine variety from the French authorities.

9. No addition had been made to the list of protected taxa. It was however envisaged extending the list, in view of the interest shown in a number of ornamental plants, once the appropriate cooperation agreements had been concluded with other member States.

10. During the year ending September 30, 1983, 50 applications for protection had been received (20 agricultural crop varieties, 7 fruit varieties and 23 ornamental varieties) and 24 titles had been issued (3 agricultural crop varieties, 2 vegetable varieties, 8 fruit varieties and 11 ornamental varieties). As regards the number of applications filed, roses topped the list, but growing interest was shown in dried beans, lupins and cotton.

11. Federal Republic of Germany.-- A Bill authorizing ratification of the 1978 Act of the Convention and a Bill amending--on the basis of that Act--the Plant Variety Protection Law had been submitted to Parliament. Normally, the corresponding laws were expected to enter into force in 1984.

12. Quite apart from the amendments proposed in the legislative texts, a notice had been published in the Bundesgesetzblatt on the granting of reciprocity in respect of plant variety protection by Ireland, Japan, New Zealand and the United States of America. The governments of those States had been informed of the notice.

13. The list of protected taxa had been increased twice, once by *Achimenes-Hybridi*, *Aechmea Ruiz et Pav.*, *Chrysanthemum frutescens L.*, *Prunus L.* (plum), *Rhipsalidopsis Britt. et Rose*, *Schlumbergera Lem.*, *Trifolium subterraneum L.*, *Ulmus L.* and *Vaccinium vitis-idaea L.*, and the second time by *Aeschynanthus Jack*, *Begonia-Knollenbegonien-Hybriden*, *Erica L.* (extension of the protection previously afforded to *Erica gracilis Salisb.* only), *Impatiens-Neu-Guinea-Hybriden*, *X Odontioda hort.*, *Odontoglossum H.B.K.*, *Pelargonium-Grandiflorum-Hybridi* and *Saintpaulia H. Wendl.* (extension of the protection previously afforded to *Saintpaulia ionantha H. Wendl.* only).

14. As regards cooperation in examination, it had proved valuable to invite the breeders of a given species from all those States for which the Federal Republic of Germany carried out examination to discussions which took place at the reference collections and the test facilities. Such discussions had been held in the current year for begonia *elatior* and it was intended to continue that approach in the coming years.

15. During the year ending June 30, 1983, 623 applications for protection were filed (as against 603 during the preceding year).

16. In reply to a question put by the President, the representative of the Federal Republic of Germany explained that the Bill amending the Plant Variety Protection Law did not envisage any amendment to the scope of protection.

17. Belgium.- A Bill approving the 1978 Act of the Convention and amending the Law of May 20, 1975, on the Protection of New Plant Varieties had been submitted to the Ministry of Foreign Affairs at the beginning of 1982 and was expected to be submitted to Parliament in the near future.

18. Protection had been extended as of April 20, 1983, to 29 new taxa, thus making a total of 104 entries in the list of taxa protected in Belgium.

19. As far as breeders' interest in the protection of plant varieties is concerned, detailed statistics are to be found in Annex II to this report. They gave rise to the following observations: in the case of maize, the absence of protection was explained by the fact that no seed production took place in Belgium for that crop. The lack of applications for protection of recently created varieties of hop would seem to prevent initiative on the part of Belgian producers and to put a brake on the development of that crop in Belgium. Triticale enjoyed increasing interest, although its economic value was not as yet confirmed, and it was still intended to extend protection to this new species. In the field of vegetables, two major breeders, one French and one Dutch, between them owned practically all the titles of protection issued for beans, lettuce and peas. In the ornamental plant sector, almost all titles had been issued for varieties of chrysanthemum, rose and azalea, mostly from the Federal Republic of Germany, France or the United Kingdom. As for fruit varieties, a resumption of activity by Belgian breeders could be noted --taking up a long tradition--particularly with the filing by a number of producers in the region of Saint-Trond in the Belgian province of Limbourg of applications for protection of apple and pear varieties and the filing by the Plant Breeding Station for Fruit and Vegetable Crops of applications for protection for two rootstock dwarf cherries.

20. As from 1984, Belgium would be able to offer the other member States examination of tuberous begonia to be carried out at the Plant Breeding Station in Melle. An agreement had already been concluded in respect of that species with the Federal Republic of Germany. On the other hand, it had not been possible to set up an institute for examining distinctness, homogeneity and stability of varieties and the current economic situation made it seem doubtful whether that could be done in the near future.

21. Denmark.- The Danish authorities had not yet been able to put in hand the drafting of a new law on plant variety protection, as had been decided shortly after the 1978 Diplomatic Conference for the Revision of the UPOV Convention. However, the Ministry of Agriculture had recently invited the various relevant authorities and organizations to propose members for a committee to be responsible for drafting the new law. It was therefore believed that work could begin in the near future. However that may be, it would seem that the delay incurred in preparing the draft was to have a beneficial effect since a large number of discussions had already taken place and had shown that on some points there was a need to reach a better understanding of the needs and wishes of some of the organizations.

22. As regards cooperation in examination, a rider had been added to the agreement between the Federal Republic of Germany and Denmark on February 1, 1983, as regards examination by Denmark of Christmas cactus and Easter cactus varieties. Negotiations had also taken place with the authorities of the Netherlands, the United Kingdom and Switzerland, but it had not yet been possible to complete them due to the workload of the Danish authorities. It was hoped that those negotiations could be concluded in the forthcoming six months. In that context, the representative of Denmark wished to express thanks to the authorities of the other member States--and also to the Office of the Union--for their cooperation.

23. During 1982, 129 applications for protection had been received (48 agricultural crop varieties and 81 ornamental varieties) and 63 titles of protection had been issued (28 agricultural crop varieties, 1 vegetable variety and 34 ornamental varieties). From January 1 to October 10, 1983, 119 applications had been filed and 100 titles of protection issued.

24. Spain.- Work had continued during the past year on the revision of the Plant Variety Protection Law with the main purpose of adapting it to the 1978 Act of the Convention and amending the schedule of fees. Additionally, fees were increased as of January 1, 1983, by Decree-Law No. 24/1982 of December 29, 1982, Concerning Urgent Measures in Budgetary, Financial and Fiscal Matters.

25. Since the last session of the Council, no addition had been made to the list of protected taxa, which therefore still comprised 17 entries. An extension was however under consideration.

26. During the first nine months of the current year, 141 applications for protection had been received and 94 titles of protection had been issued. The number of titles in force at present was 300. As with the other member States, Spain had noted a temporary increase in the number of applications filed, following extension of protection in June 1982, as a result of the transitional limitation of the requirement of novelty introduced in accordance with Article 38 of the 1978 Act of the Convention.

27. There had been no change from the point of view of cooperation in examination, since examination was still carried out at national level.

28. Finally, the publication of information concerning the national catalogue of varieties approved for marketing in the plant variety protection gazette--of which four numbers were published in 1982--was under consideration.

29. United States of America.- As far as the Patent and Trademark Office, responsible for the protection of vegetatively propagated varieties, was concerned, the past year was marked by no specific event. Finalization of the rules of practice for variety denominations--to include publication of proposed denominations to enable interested parties to make comments--had not yet been completed.

30. During the past year, 188 patent applications had been received, which was more than the average of 159 for the preceding three years. Of those 188 applications, 151 had been filed by United States nationals and 37 by foreigners (including 8 by residents of the Federal Republic of Germany, 7 by residents of the United Kingdom and 5 by residents of Switzerland). 173 plant patents were issued, also constituting a number above the average for the preceding three years (164). Of those 173 patents, 135 were granted to United States nationals and 38 to non-residents (including 16 to residents of the Federal Republic of Germany, 5 to residents of France and 4 to residents of Denmark).

31. An amendment to the Regulations and Rules of Practice Under the Plant Variety Protection Act, which applied to sexually reproduced varieties, took effect on August 5, 1983. That amendment brought the system of protection for such varieties into conformity with the 1978 Act of the Convention. It further instituted national treatment for nationals and residents of other UPOV member States.

32. During the past year, the funding of the Plant Variety Protection Office had been reduced by half. The Office was taking all possible measures to compensate for that reduction, particularly by increased computerization of its administrative tasks and of file management. The fees had to be increased from 750 dollars to 1500 dollars (that amount covered all the costs of obtaining a certificate of protection and there were no annual fees for maintaining it).

33. During the past year, 178 applications had been filed and 142 certificates issued, representing the second highest annual figure. Since the protection system was set up in 1970, 1166 certificates in all had been issued (734 for agricultural crop varieties, 364 for vegetable varieties and 68 for ornamental varieties). The five species for which the greatest number of certificates had been issued were soya bean (262 certificates), wheat (127), pea (117), bean (111) and cotton (110).

34. France.- From the legislative point of view, the past year had been marked above all by the ratification of the 1978 Act of the Convention, which took place on February 17, 1983, and took effect on March 17. Deposit of the instrument of ratification was preceded by an amendment to Decree No. 71-764

of September 9, 1971, Concerning New Plant Variety Certificates and the Issue and Renewal Thereof, made effective by Decree No. 83-10 of January 5, 1983. The purpose of the amendment was to introduce into the French legislation the six-year period referred to in Article 6(1)(b)(ii) of the 1978 Act of the Convention.

35. Decree No. 83-22 of January 12, 1983, further extended protection to cypress (Mediterranean cypress, Arizona cypress, Duprez cypress, Leyland cypress --X Cupressocyparis and its hybrids), holly (hybrids of Ilex aquifolium), kalanchoë, streptocarpus and tulip. A further extension--to sorghum (inbred lines), thyme and triticale--was planned and it was hoped that it could be achieved before the end of the year. The list of protected taxa would then contain 79 entries.

36. The above-mentioned Decree also extended the rights afforded by the new plant variety certificate, in the case of fruit trees and shrubs and of hops, to plants and parts of the plant, such as grafts, cuttings, layers, to be used for laying down plantations with a view to the commercial production of fruit.

37. The examination fees were increased by Ministerial Order of March 17, 1983, to 2140 francs a year for "important" species and 1190 francs for ornamental plants and shrubs grown only in the garden or in pots, and the fee to be paid for a simplified examination of a duration of less than one year was increased to 356 francs.

38. Finally, the Committee for the Protection of New Plant Varieties decided on a number of proposals for improving, species by species, the situation of breeders of vegetatively propagated ornamental plants with respect to varieties deriving from natural mutations. That concerned the keeping of registers and conservatories of varieties to establish the common knowledge of mutants and prohibit the granting of protection to a third party, and the setting up of streamlined examination exclusively for mutants differing from the parent variety in one or more characteristics contained in an exhaustive list. Those provisions were to be applied, in particular, to carnation, rose and chrysanthemum.

39. Trends in the use made by breeders of the new plant variety protection arrangements are summarized below.

	1979	1980	1981	1982	Total*	1983 (9 months)
Applications filed	381	454	426	498	3834	358
Applications withdrawn	94	89	121	138	671	-
Applications rejected	3	18	8	7	66	-
Certificates issued	126	206	454	344	2040	247
Certificates in force at the end of the period	842	963	1291	1559	-	-

\* Since 1971.

40. Over the last two years, the Committee for the Protection of New Plant Varieties and the National Institute of Industrial Property had acted together in examining the scope of the patent system, on the one hand, and of the system of protection for new plant varieties, on the other, as regards discoveries resulting from the development of biotechnology in the plant kingdom.

41. Hungary.- On March 16, 1983, the Government of the Hungarian People's Republic deposited its instrument of accession to the 1978 Act of the UPOV Convention, which took effect in respect of Hungary on April 16. Accession was notified by Decree-Law No. 14 of 1983 and Law No. II of 1969 on the Protection of Inventions by Patents--which also governed the protection of new plant varieties--was amended by Decree-Law No. 5 of 1983 to make it fully comply with the 1978 Act of the Convention. All conditions were thus met for full and complete application of the Convention in Hungary.

42. That event was considered an historical turning point in the development of legal protection for new plant varieties in Hungary. There was no doubt that the Convention would constitute a most efficient legal framework for protecting Hungarian varieties abroad and, consequently, for their sale. The Convention was also sure to play an important part in setting up an export structure for Hungarian agricultural produce and would favorably influence the composition and volume of seed exports. Conversely, the Convention would open up much more favorable opportunities for the use of foreign varieties in Hungary and for instituting international cooperation.

43. Plant breeding had been carried out in Hungary with great success for more than 100 years. Hungarian breeders had developed a large number of varieties of great value, some of which had acquired a flattering reputation at international level. At present, plant breeding work was done in 13 research institutes and five universities and also in the State farms and cooperatives. In 1982, some thousand varieties were qualified by the State, 65% of which were of Hungarian origin and 35% of foreign origin. Those figures demonstrated both the efficiency of Hungarian plant breeding and also the importance of foreign varieties.

44. The qualification of plant varieties was regulated by a decree of the Council of Ministers and was the responsibility of the Institute for Plant Production and Qualification. The Institute carried out tests on the varieties submitted for qualification (between 150 and 160 each year) in 15 experimental stations attached to the Institute and located throughout the country. Tests lasted for between three and five years and covered not only the distinctness, homogeneity and stability of the varieties but also their economic value. On the basis of those tests, the Institute made proposals, through its professional committees, to the Council for Variety Qualification, which was the decision-making body. Qualification was only given to those varieties that represented an improvement, in respect of at least one important characteristic, over the previously qualified varieties. As from the coming year, the Institute was to carry out examination for distinctness, homogeneity and stability of new varieties applied for protection in compliance with the UPOV Guidelines.

45. The representative of Hungary completed his statement by expressing his conviction that it would have made clear that as a result of the introduction of the necessary statutory provisions, the good results obtained in plant breeding and the system of variety qualification, Hungary would be a full member of the Union. It would also make every effort to fulfill its responsibilities stemming from accession to the Union and would request the other member States to give it any assistance that might be useful.

46. In reply to a question by the representative of the Federal Republic of Germany, the representative of Hungary confirmed that following the accession of his country to the Union it could also make use of the results of tests undertaken by other member States as part of cooperation in examination.

47. Ireland.- No changes had taken place during the past year in the legislative field. In particular, the list of protected taxa still comprised six entries. Extension was however envisaged during the coming year.

48. Since October 1, 1982, 22 applications had been filed, bringing the total to 169. The 165 validly filed applications were broken down as follows: oats - 10, wheat - 23, barley - 23, potato - 78, perennial ray-grass - 28, white clover - 3. To date, 28 titles of protection had been issued, two of which had been subsequently surrendered. From the relatively small number of applications received, it appeared that breeders preferred to wait before filing applications for protection until they had information on the value for cultivation and use of the varieties through the requests for entry in the national list of varieties approved for marketing.

49. Israel.- It had not proved possible during the past year to achieve accession to the 1978 Act of the Convention despite the fact that, three years ago already, it was thought that accession could take place rapidly. The reasons for that delay were many. In particular, it had been forecast at the onset that adaptation of the law, that had now been in force for ten years,

would also present the opportunity for conducting a thorough revision in the light of experience. As a result of the great difficulties encountered by the revision, it was subsequently decided to separate it from the adaptation to the 1978 Act of the Convention, but this also had not proved possible due in particular to problems of an administrative nature.

50. During the past year, protection had been extended to banana, kalanchoë and sea lavender.

51. As far as cooperation in examination was concerned, Israel faced the problem of its climatic conditions, mainly that of high luminosity and high temperatures. Indeed, the descriptions of varieties, carnation or rose for example, established in the countries of northern Europe and those established in Israel contained differences affecting characteristics such as the color of the flower, the length of the stem or the number of petals, and those differences were such that one would be inclined to conclude that they concerned different varieties. In that respect, certain colors seemed to be more subject than others to variations resulting from the intensity of the light. In view of that problem, the Israeli authorities had decided to make use of tests carried out in other member States for determining distinctness, homogeneity and stability and then to carry out additional growing trials and an examination to draw up a description that corresponded to local climatic conditions. That practice had at least the advantage of dispensing with the--costly--upkeep of a reference collection.

52. The comments reported in the above paragraph gave rise to an exchange of views. The representative of New Zealand pointed out, in concluding his statement, that his country also had similar, or even greater, reservations to make as regards the usefulness of the descriptions drawn up in other countries. Indeed, his country enjoyed a climate characterized by an unusual combination of high luminosity and low temperatures. When comparing the description of a variety drawn up, for example, in Europe and drawn up in New Zealand, it was sometimes very difficult to convince oneself that they were descriptions of the same variety. Additionally, it sometimes happened that two varieties that had proved to be distinct in another country could not be distinguished in New Zealand or again that a variety had proved homogeneous in another country but was not so in New Zealand. Finally, for some species such as wheat, the assortment of varieties grown in New Zealand, was characteristic of the country and unknown in the other member States, thus making it necessary to examine varieties for which protection had been requested, at national level, in comparison with that assortment. It was to a great extent because of those problems that New Zealand did not participate in the cooperation arrangements instituted within UPOV.

53. The representative of France felt that it had been clearly shown that the principles governing variety examination had to be adapted to each climatic zone and, notably, the lists of characteristics and the levels of expression used in the examination could not be harmonized in detail if the effect of the environment was ignored. Indeed, even at the level of a single country such as France, it could also be observed that the behavior of a variety, particularly as regards its distinctness in relation to another variety and also its homogeneity, varied depending on the environment in which it was studied. Knowledge of the various environments in which examinations were carried out and their effect on the behavior of the varieties would, however, enable variety descriptions to be drawn up that had practical significance for users. On the other hand, a description drawn up by a breeder in a specific environment was not necessarily comparable to those drawn up in the official testing locations.

54. The representative of the Federal Republic of Germany considered that the solution adopted by Israel, which was not unreasonable, raised a problem insofar as it was not included in the various recommendations made by UPOV in respect of cooperation. He therefore proposed that the matter be referred to the Administrative and Legal Committee which should examine whether the solution could be incorporated in the cooperation arrangements currently in force. Such an examination was all the more necessary since, as had been shown by the comments of the representative of New Zealand, the difficulties referred to by the representative of Israel also arose in a good number of other countries and UPOV indeed had a universal vocation. He further remarked that the problem was in fact even more complex. He noted, for instance, that a breeder to whom

a title of protection had been issued in the Federal Republic of Germany for a variety of saintpaulia was required to furnish in the United States of America, in connection with an application for a plant patent, a description whose content did not correspond to that drawn up in the Federal Republic of Germany despite the fact that saintpaulia was a species cultivated under glass and that glasshouse growing conditions were very similar in both States. In his view, account should also be taken of that fact in order to further improve the cooperation arrangements.

55. Italy.-- The Bill authorizing ratification of the 1978 Act of the Convention had been approved by the Council of Ministers and had been submitted to Parliament.

56. By Ministerial Order of August 20, 1983, protection had been extended to 15 new taxa of which the list is given in document C/XVII/6 Add. Altogether, the protection arrangements now applied to 84 taxa.

57. To date, 73 patents had been granted as follows: wheat - 13, carnation - 34, barley - 7, poplar - 7, rice - 9, rose - 3.

58. Japan.-- No changes had taken place in the legislation--nor in the list of protected taxa--since September 3, 1982, when Japan became a member of the Union.

59. In the administrative and technical area, test guidelines had been adopted for a total of 137 genera and species, to which could be added 20 other documents by the end of next March. The guidelines were in conformity with those adopted by UPOV but contained a number of adaptations to local conditions. A new type of color chart was being finalized on the basis of a project funded by the public authorities and would be put on sale next January. Finally, the Ministry of Agriculture, Forestry and Fisheries had decided to promote the development of objective methods for determining characteristics such as fragrance and pungency by analyzing the components and expressing the results as numerical values. The project was being carried out by the Japan Food Research Laboratories.

60. Since the entry into force of the Seeds and Seedlings Law in December 1978, 1171 applications for protection had been filed, of which 226 were in 1982 and 256 during the first nine months of 1983. Since that same date, 454 titles of protection had been issued, of which 129 were in 1982 and 131 during the first nine months of 1983. 141 applications and 13 titles concerned foreign varieties.

61. New Zealand.-- A Bill to amend and consolidate the Plant Varieties Act was drafted over two years ago, but it was only on October 6, 1983, after a protracted and frustrating period of inactivity, that the Bill was submitted to Parliament and referred to a select committee. The Bill contained important modifications, particularly as regards two matters. Firstly it would replace the current provisional protection arrangements, which were optional and imposed restrictions on the marketing of the variety, by an automatic system. Secondly, it would give more extensive rights in the case of fruit and certain ornamentals insofar as they would also apply to propagation of the variety for the purpose of commercial production of fruit, flowers or other products.

62. In view of the numerous amendments contained in the Bill, it would also be necessary to amend the Plant Varieties Regulations 1975. A lay-draft had already been drawn up, although the revision of the Act itself was as yet a draft, and communicated to the interested organizations in New Zealand to ensure proper consultation.

63. An increase of fees had been envisaged last year, but that did not prove possible following the price and wage freeze decided in March 1982.

64. As far as use made of the plant variety protection arrangements by breeders is concerned, detailed statistics will be found in Annex III to this report. A marked interest will be noted for protection of ornamental varieties of certain indigenous plants and also varieties of less well-known fruit plants.

65. In reply to a question by the representative of the Federal Republic of Germany, the representative of New Zealand explained that two applications had been filed in his country for sexually reproduced potato varieties, one of which had been withdrawn in the meantime. That was a rather new event that raised an important question of principle, that is to say the standard to be chosen for homogeneity. The question had been raised and discussed in the Technical Working Party on Agricultural Crops and the Technical Committee of UPOV. Generally, the New Zealand authorities thought it wrong, in the case of a species in which both vegetatively propagated varieties and sexually reproduced varieties existed, to require a level of homogeneity for the latter which was meaningful only for vegetatively propagated varieties. In any event, examination of the sole remaining application would take some time yet and that time would be put to good use for further reflection.

66. Netherlands.- The Bill authorizing ratification of the 1978 Act of the Convention had recently been approved by the Lower House. Ratification was expected to take place during the forthcoming year.

67. Under the current unfavorable economic conditions, the Netherlands authorities felt that three questions in the field of plant variety protection deserved special attention. Firstly, funding of basic research and plant breeding was becoming increasingly difficult despite the fact that it was indispensable to continue the efforts undertaken in plant breeding in view of the need to increase the efficiency of agriculture and improve the food situation. In times of tight budgets, it should not be forgotten that plant variety protection was an effective means of promoting research, particularly private research, in the field of plant breeding.

68. A further phenomenon that could be observed was that of converging breeding programs. It was quite understandable in the current difficult economic climate that breeders should pursue similar breeding aims, meaning unfortunately that they devoted considerable means to programs that would lead to very similar products. The Netherlands authorities therefore felt that in order to promote innovation and to reduce the tensions that could result from competition between similar varieties, great importance should be attached to the question of minimum distances between varieties. They attached great importance to the matter being examined at international level and hoped that discussions would lead to a common solution.

69. The third question was that of variety examination. In view of the relative convergence of breeding programs and the increase in cases of infringement, it was clear that examinations of lesser precision could not be allowed, either as regards the characteristics observed or the varieties used for comparison. However, all possibilities of making that examination more efficient had to be looked into. The Netherlands authorities were convinced that large savings could be made in the budgets of the national services if duplication of examinations could be avoided. That aim could be achieved easily, at least in those regions of the world that were subject to similar climatic conditions, by reason of the fact that the States had agreed on the principles governing examination as shown by the large number of test guidelines adopted by UPOV. The Netherlands authorities were indeed keen to improve the arrangements for cooperation that enabled duplication of examinations to be avoided, and to use them for other purposes such as the entry of varieties in the catalogues of varieties approved for marketing.

70. In 1982, 791 applications had been filed and 347 titles issued.

71. United Kingdom.- Submission to Parliament of a Bill whose main purpose was to align the Plant Varieties and Seeds Act 1964 with the 1978 Act of the Convention gave the signal for a vigorous attack on the plant variety protection system in the United Kingdom and indeed on the system as a whole. It therefore became necessary to use every effort and muster the necessary arguments for countering that attack. In that context, the representative of the United Kingdom expressed his thanks to the other member States and to the Office of the Union for their help which had been extremely useful. Despite the difficulties met in Parliament, the Plant Varieties Act 1983 was adopted and received the royal assent on May 9, 1983. It entered into force on August 9, 1983, enabling the United Kingdom to deposit its instrument of ratification of the 1978 Act of the Convention on August 24.

72. No new taxon had been placed under protection in 1983 although the interested parties had been consulted on various possibilities. Depending on the results of that consultation, extension of protection would be envisaged, particularly to mushrooms. Protection was likely to be extended to the following taxa early in 1984: *Choisya*, *Euphorbia pulcherrima*, ornamental *Fragaria*, *Nerine*, *Zygocactus* and to the genus *Rubus* (parts of that genus were already protected).

73. It was expected that 725 varieties would be tested in 1983 (344 agricultural crop varieties, 49 vegetable varieties, 56 fruit varieties and 276 ornamental varieties). Since the entry into force of the protection system in 1965, 4438 applications had been received, of which 1307 had been withdrawn and 37 subsequently rejected, and 2369 had led to the granting of protection.

74. Sweden.- The 1978 Act of the Convention had been ratified on December 1, 1982, and had entered into force in respect of Sweden on January 1, 1983. The legislation on plant variety protection was amended with effect on that latter date to make it comply with the above-mentioned Act. In addition, the term of protection had been increased and was now twenty years for all species. Finally, protection had been extended to willow.\*

75. Since the start of plant variety protection some 12 years ago, 633 applications had been received in all, including 67 during the year ending on July 1, 1983. At present, 173 titles of protection were in force, of which somewhat more than one half concerned agricultural crop varieties.

76. Switzerland.- On April 5, 1983, the Federal Council brought into effect the amendment of February 28, 1983, to the Plant Variety Protection Order. That amendment increased the number of protected taxa to 44. In that respect, the representative of Switzerland referred to the recapitulative list of taxa made by the Office of the Union in number 34 of "Plant Variety Protection."

77. Two problems were to be taken up in the near future: the effect of protection in relation to propagation of a protected variety of a fruit plant for the propagator's own needs and the setting up of a center for examining vegetatively propagated varieties of the following ornamental taxa: *Cyclamen*, *Gloxinia*, *Primula acaulis*, *polyantha* and *polycaulis*, and *Viola X wittrockiana*. In the first case, the problem was to know whether current Swiss law also applied to propagation undertaken on a farm for the needs of its own commercial production of fruit or berries. In reply to a question in Parliament, the Federal Council had already instructed the Expert Committee on Plant Variety Protection to clarify the matter and, if necessary, submit proposals for adapting the existing legislation. The second question entered into unknown country insofar as the sexually reproduced ornamental species hardly ever qualified for protection since the varieties currently marketed were very frequently heterogeneous populations. Thanks to new, promising propagation techniques, it appeared possible to create clones and thus remedy the lack of homogeneity.

78. In the time between the last ordinary session of the Council and the current session, 48 applications for protection had been received, 2 applications had been withdrawn and 25 varieties had been given protection. In all, 186 applications had been recorded and 91 varieties were covered by a title of protection at the present time.

b. Statement on Behalf of Denmark, France, the Federal Republic of Germany, the Netherlands and the United Kingdom

79. In agreement with the representatives of Denmark, France, the Netherlands and the United Kingdom, the representative of the Federal Republic of Germany made the following statement.

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\* Document C/XVII/6 does not include this extension.

80. The representatives of Denmark, France, the Federal Republic of Germany, the Netherlands and the United Kingdom had continued their efforts towards closer cooperation. It was now planned to introduce in the bilateral agreements between those States provisions to the effect that each of those States would automatically use the results of tests carried out by any other State of that group, in respect of the largest possible number of varieties of the largest possible number of species for which more than one national examination systems existed. In other words, the aim was that there should only be one single examination for each variety. To that end, the examination methods were to be harmonized even further. It was moreover envisaged that examination would be increasingly centralized with the services of a single member State that would carry out such examination on behalf of the services of all the other member States participating in the cooperation arrangements, particularly for species to which protection was to be newly extended in future by the States participating in the arrangements. Finally, work was in hand towards drawing up a standardized application form.

81. Such cooperation should not be limited to the protection of new plant varieties but should also concern the national catalogues of varieties approved for marketing (it being understood that the States should continue to carry out separate tests to assess the value for cultivation and use where such had to be carried out prior to entry in the catalogues). Once such cooperation had taken shape, it would be necessary to examine the conditions for participation by any other interested member States of UPOV.

82. In his statement on the situation in his own country, the representative of France emphasized that France was actively seeking every possibility of extending the existing bilateral agreements and also every possibility of concluding new agreements by means of bilateral and multilateral contacts that were considered to be potentially as fruitful as in the past. In that respect, he welcomed the results that had been obtained by the "Group of 5" which the representative of the Federal Republic of Germany had previously reported on. He drew attention to the fact that the ambition of that group was not to constitute or reinforce an exclusive club, but to explore a pathway, both bilateral and multilateral, that had to be followed if progress in cooperation was to be achieved.

c. Statements Made by the Representatives of Non-Member States

83. Austria.- Austrian breeders had long demanded that Austria should accede to UPOV, but since the current legislation on varieties and seed did not comply with the Convention, a new law had to be introduced. During the past year it had been possible to make sufficient progress with the Bill on plant variety protection for it to be submitted to Parliament. That step had been delayed, however, by the fact that a number of questions of responsibility between the Patent Office and the Ministry of Agriculture and Forestry were still unresolved. Those had now been decided upon to a great extent. However, adoption of a new plant variety protection law also required adoption of a new seed trade law as a result of the close links between those two fields. A draft was currently being drawn up for the latter text and it was to be expected that the consultation procedure, during which the drafts would be submitted to the UPOV Council for comment, would be initiated next year. It was also probable that the drafts would be submitted to the Parliament and that they could be adopted next autumn.

84. Egypt.- The Government of Egypt was most interested in knowing more about UPOV. Up to the beginning of the seventies, seed production was exclusively an activity of public authorities. At that time, following its policy of economic opening, the Government had invited a number of European and American firms to work together with the Egyptian authorities in the examination of varieties and of seed. That activity was carried out by the Agricultural Research Center through its thirteen research institutes and some twelve experimental stations spread over the whole country.

85. In view of the special geographic and climatic conditions in Egypt, the representative of that country was inclined to share the doubts expressed by the representatives of Israel and of New Zealand on using as they stood the variety descriptions drawn up in one or other of the European member States of

UPOV. Nevertheless, he wished to make it clear that Egypt was very interested in receiving any aid that those States could give in examining varieties within the framework of multilateral or bilateral cooperation, particularly as regards vegetables.

86. As far as agricultural crops were concerned, Egypt had obtained excellent results in improving species such as cotton, barley, rice, maize, sorghum, lentils and beans. In that field, Egypt could perhaps give assistance to other countries in the Near East and also in Northern Sudan.

87. Panama.- Panama did not possess the necessary infrastructure for plant variety protection and, should it decide to set up such protection, within the framework of its own legislative system, it would have to be able to rely on assistance and cooperation from States that had already gained experience in the field.

88. Poland.- At the last session of the Council, the representative of Poland had announced that the Legislative Council of the Council of Ministers had asked that the draft law on plant breeding, protection of new plant varieties and seed matters be supplemented by a chapter on the protection of crops against pests, diseases and weeds. The Ministry of Agriculture and Food Economy had recently completed its adaptation of the draft law and the implementing regulations. Those texts were to be submitted to the Government for preliminary acceptance next December and it was envisaged that they would be submitted to the Diet at the beginning of 1985.

89. Yugoslavia.- The representative of Yugoslavia observed that the purpose of his participation at the Council session was to follow discussions and, above all, to obtain information on the experience gained by the other States.

90. Zimbabwe.- As other States represented at the session by observers, Zimbabwe was very interested in learning more about the UPOV Convention and the rules and principles established by the Union. Contrary to those States, Zimbabwe already had a plant variety protection law, enabling it to cooperate with other States. That law applied to maize, wheat, barley, sorghum, millet, soya bean, ground nut, sunflower, dry bean, vegetable crops, Irish potato, sweet potato, cassava, cotton, grasses and pasture legumes.

91. The representative of Zimbabwe finished by referring to the fact that varieties developed in Zimbabwe were increasingly used in Southern Africa with the resultant need to pay more attention to plant variety protection.

#### d. Statements Made by the Representatives of Organizations

92. European Communities.- The European Communities had for some years already concerned themselves with a number of problems that resulted from the coexistence at Community level of a common market for propagating material and national systems of new plant variety protection leading to the granting of titles of protection whose effect was limited to the national territory of each State. That situation had recently led the Commission of the European Communities to make an official proposal to the Community Member States and to the professional organizations set up at Community level. That proposal concerned the creation of a European/Community breeder's right having the following essential features:

- (i) An optional nature (that is to say, it would coexist with national rights);
- (ii) A single application leading to a single title with uniform and immediate effect for the whole of the Community market;
- (iii) As regards conditions, terms and content, it would be based on the current and future results of UPOV's work;
- (iv) It would provide suitable possibilities of participation by interested European countries that were not members of the Communities.

The Commission of the European Communities was shortly to hold hearings of the Community Member States and of the professional organizations, which could possibly be extended and would, in any event, be held in close liaison with UPOV.

93. The Secretary-General took note, with satisfaction, of the final remark made by the representative of the Commission of the European Communities and, in a more general way, of the details of the proposal. He also pointed to the positive experience gained in the parallel case of participation of the World Intellectual Property Organization (WIPO) in preparing the European Patent Convention.

94. Food and Agriculture Organization of the United Nations (FAO).-- The FAO was in the process of organizing a computerized seed information system including several subsystems, one of which concerned cultivars. Cultivars of major crops of social and economic importance from some 90 FAO member States had already been registered in the subsystem. The FAO was also developing a descriptor system to allow cultivars to be identified from a systematic point of view and to characterize them from an agro-ecological point of view. It was intended to extend that subsystem in the future to form a cultivar data bank.

95. The representative of France offered the following reflections to the session following the information given by the representative of the FAO. It was obvious that, in their respective areas of responsibility, the FAO and UPOV were situated at quite different levels since the vocation of the FAO was a very general one covering agriculture and food, contrary to that of UPOV. Moreover, the concerns of the Director General of the FAO--and of the FAO member States--were very different from those of UPOV since their prime vocation was to serve the development of agriculture and the improvement of the food situation, particularly in the developing countries, although indeed UPOV had such a vocation and such a concern, albeit acting at a more specialized level. In view of that convergence, the representative of France felt that possible interference between the approach adopted by the FAO and that followed by UPOV should be looked at closely to avoid any possible drawbacks. He therefore asked the Office of the Union to remain in close contact with the FAO Secretariat in order to inform it of UPOV's activities. Moreover, he felt that it would be useful for UPOV to ask itself more seriously what were the true reasons for its action and also consider its action in relation to the developing countries. In his view, that would be a possible topic for a symposium.

96. The Secretary-General fully shared the point of view expressed by the representative of France and expressed the wish that relations between the two organizations should increase and would be even more fertile than in the past. He pointed out that the best token of UPOV's wish to inform the FAO of its activities, in order to avoid any duplication of work between the two organizations and any waste of public money, was the presence, for the second consecutive year, of a representative of the FAO at an ordinary session of the Council.

97. In reply to a question put by the representative of Italy, the representative of the FAO stated that the next FAO Conference, to be held from November 5 to 24, 1983, would extensively treat the question of plant genetic resources and, in that context, examine a draft resolution containing an international undertaking on plant genetic resources.

98. The Secretary-General, noting that UPOV had not as yet received an invitation to participate as an observer at the next FAO Conference, requested the representative of the FAO to bring the matter to the attention of the competent services of his organization.

99. On a proposal by the representative of France, supported by the representatives of the Federal Republic of Germany and of Denmark, the Council expressed the wish that UPOV be represented at the forthcoming session of the FAO Conference.

100. The representative of FAO stated that he would report the above discussion to the Office of the Director General of his organization.

d. Documents Prepared by the Office of the Union

101. The Council also noted the contents of documents C/XVII/5, 6, 6 Add., 7 and 8. The delegation of Belgium drew attention to the fact that, following the conclusion on October 7, 1983, of an extension to the bilateral agreement between Belgium and the Federal Republic of Germany, the brackets around the indication "DE" in the entry Begonia X tuberhybrida Voss had to be deleted in document C/XVII/5.
102. The President, supported by a number of delegations, thanked the Office of the Union for its excellent work in drafting these documents which had proved valuable instruments for management at national level of the plant variety protection system.

e. Organization of the Council Debates on the Present Agenda Item

103. The Council referred to the Consultative Committee the examination of possible measures, which had been suggested during the session, with a view to expediting the proceedings of the Council under this agenda item.
104. Basically, the proposal consisted in asking that written reports be furnished in advance by the representatives of the States and organizations and that they be distributed by the Office of the Union to enable the representatives to restrict themselves to underlining important items of their reports during the session. The proposal met with two major objections: firstly, it would lessen the interest of the session, particularly for the non-member States, and, secondly, it would create extra work for the Office of the Union at a time when it was already under pressure, for the benefit of a rather small gain in time at the meeting.

Report by the President on the Work of the Twenty-Seventh and Twenty-Eighth Sessions of the Consultative Committee

105. The Council noted the report on the work of the twenty-seventh session of the Consultative Committee as given in paragraph 3 of document C/XVII/2 Add., and also the oral report by the President on the work of the twenty-eighth session.
106. On the basis of the recommendations made by the Consultative Committee, the Council decided the following:
- (i) The subject of the symposium to be held in 1984 in the framework of the eighteenth ordinary session of the Council would be "Industrial Patents and Plant Breeders' Rights - Their Proper Fields and Possibilities for Their Demarcation";
  - (ii) There would be no meeting with international organizations in 1984;
  - (iii) Without prejudice to the decisions that might be taken by the Council at its next ordinary session, the program for the year 1985 should not provide for the holding of a symposium in the framework of its nineteenth ordinary session, but for the holding of a meeting with international organizations; the Secretary-General was to prepare the budget for 1985 accordingly;
  - (iv) A symposium should be held in 1986, in the framework of the twentieth ordinary session of the Council, at which the twenty-fifth anniversary of the signing of the UPOV Convention would be celebrated; the records of that symposium might be drawn up in the form of a Festschrift (commemorative publication).
107. The Council noted with gratitude the intention of the French authorities to host the twentieth ordinary session of the Council in 1986, to mark the twenty-fifth anniversary of the signing of the UPOV Convention. The arrangements for the organization of that event would be made in consultation between the delegation of France and the Office of the Union and would be brought to the attention of the Consultative Committee.

108. The Council delegated to the Consultative Committee the decision on the proposal that a small committee be set up to examine the program needs and finances of the Union for more than just the next following year. In view of the fact that forming a small committee from among members of an already small organization was a difficult task, the Secretary-General's advice was that the most convenient would be to refer such examination to the Consultative Committee itself.

Report by the Secretary-General on the Activities of the Union in 1982 and in the First Nine Months of 1983

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

Report by the Secretary-General on his Management and on the Financial Situation of the Union in 1982

110. The Council unanimously approved the report by the Secretary-General as contained in document C/XVII/3 and congratulated him on his cost-effective management.

Presentation of the Report Concerning the Auditing of the Accounts for 1982

111. The Council noted the report contained in document C/XVII/3, Annex B, and approved the accounts of the Union for the year 1982.

Progress of the Work of the Administrative and Legal Committee

112. The Council unanimously approved the report on the progress of the work of the Administrative and Legal Committee as contained in document C/XVII/9.

113. It further noted with approval the plans for the future work of that Committee as indicated in document C/XVII/9, subject to the addition of matters arising out of the present session, and in particular the examination of the implications of the need for certain member States with special climatic conditions to supplement examination reports taken over from other member States (a question that might also need to be examined in the Technical Committee).

114. A discussion took place, in relation to the report on the progress of the work of the Administrative and Legal Committee, on the organization of the next meeting with international organizations, to be held on November 9 and 10, 1983. It was proposed that the discussion on minimum distances between varieties be introduced by brief statements, illustrated if possible by means of slides and the like. The Council decided to entrust the organization of the meeting to an ad hoc group comprising the representatives of the interested States and of the Office of the Union.

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

115. 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/XVII/10 and in its supplement (document C/XVII/10 Add.).

116. It noted with approval the plans for their future work as indicated in the above-mentioned documents.

117. In accordance with the request reflected in paragraph 10 of document C/XVII/10 Add., the Council urged member States to implement the decisions taken by UPOV to their full extent and without delay and to use the forms and documents adopted by UPOV.

Headquarters Agreement with the Swiss Confederation

118. The Council noted with gratitude the decision of the Swiss Federal Council, taken on September 26, 1983, to authorize the proposed Headquarters Agreement between the Swiss Confederation and UPOV.

Examination and Approval of the Program and Budget of the Union for 1984

119. Discussions were based on document C/XVII/4 and on the amended extracts therefrom appearing in document CC/XXVIII/4. Those extracts are reproduced in Annex IV to this report.

120. The Council approved the budget of the Union for 1984 and the annual contributions of member States as appearing in Annex IV to this report. The delegation of the United States of America pointed out that the budget did not fulfil the requirements of its Government for the budgets of international organizations and, accordingly, dissociated itself from its adoption.

Calendar of Meetings in 1984

121. The Council approved the calendar of meetings for 1984 as appearing in document C/XVII/12 Rev. 2.

Elections

122. The Council elected the following officers:

- (i) Mr. J. Rigot (Belgium) was elected President of the Council;
- (ii) Mr. S.D. Schlosser (United States of America) was elected Vice-President of the Council;
- (iii) Mr. J.-M. Elena Rossello (Spain) was elected Chairman of the Technical Committee;
- (iv) Mr. R. Guy (Switzerland) was elected Vice-Chairman of the Technical Committee;
- (v) Mr. F. Espenhain (Denmark) was elected Vice-Chairman of the Administrative and Legal Committee;
- (vi) Mrs. Valerie Silvey (United Kingdom) was elected Chairman of the Technical Working Party for Automation and Computer Programs.

123. Mr. Rigot thanked the members of the Council for the confidence they had shown in him by electing him President of the Council and for the honor they had paid to his country. His sole ambition would be to make a positive contribution to the activities of UPOV. In that respect, he would follow the example of the three predecessors he had known, who had represented UPOV with honor and felicity, each in his own personal way.

124. Mr. Rigot knew that he would be supported in his new task by the Office of the Union and that he would be able to count on the collaboration of the other members of the Council. It was also his hope that the office of Vice-President of the Council would be occupied by a representative of one of the big countries. The association of a small country and a big country could perhaps constitute a symbol for the forthcoming three-year period.

125. Mr. Rigot ended by expressing the hope that numerous countries would become members of UPOV in the coming years. To rally to the banner of UPOV was to support the inventive genius of all creators of improved varieties and was also to promote progress, production and productivity in agriculture. Every country needed that progress, and even more so the developing countries. Mr. Rigot expressed the wish that the Union's message of solidarity and progress would, through its members, be received, heard and understood throughout all the nations of the world.

126. Mr. Schlosser stated that it was an honor to accept the office of Vice-President of the Council and thanked the members of the Council for their confidence. He ensured them that both he himself and his Government fully supported the aims of the Union. Finally, he shared the aspirations of Mr. Rigot and of the other members of the Council as regards the growth and the future of the Union.

127. Mr. Elena Rossello thanked the Council both in his own name and on behalf of his Government for the honor paid to him through his election as Chairman of the Technical Committee. He hoped that the work done together by the members of that Committee would make it possible to resolve most of the difficult and important problems arising in the technical field.

128. The Council endorsed the proposal made by the Technical Committee that there should be no vice-chairmen for the different technical working parties.

#### Closing of the Session

129. Mr. Palestini (Italy) thanked Mr. Gfeller for his action as President of the Council and congratulated him on a very fertile term of office.

130. Mr. Skov (Denmark) recalled that when he had passed on the office of President of the Council to Mr. Gfeller three years ago, Mr. Gfeller had found warm words to thank him for his term of office. Those words applied just as well to their author and Mr. Skov thanked Mr. Gfeller for the excellent way in which he had conducted the proceedings of the Council and of the Consultative Committee and for the diplomacy he had shown in solving some difficult problems that had been put to those two bodies.

131. Mr. Rigot (Belgium) expressed his satisfaction and his regrets on seeing Mr. Gfeller relinquish the office of President. Satisfaction at the work that had been accomplished and the way in which it had been done, that is to say with moderation, tact and diplomacy. Regrets because his term of office was coming to an end. He was convinced that he could thank Mr. Gfeller on behalf of all the members of the Council for the work he had given and the time he had devoted to UPOV. He also addressed his thanks to the Office of the Union that had, in all circumstances, shown a rare efficiency and a rare diligence, and also to the interpreters without whom there could have been no communication between the participants in the sessions.

132. Mr. Mast (Vice Secretary-General) joined Mr. Rigot in his thanks addressed to Mr. Gfeller and also thanked Mr. Rigot for the flattering words he had addressed to the Office of the Union.

133. Mr. Gfeller thanked the various speakers for their kind words and for the flattering language they had found to qualify his term of office. He pointed out that much of that praise had to go to the members of the Council who, through their opinions and their decisions, were the true authors of the progress that had been accomplished, and also to the Office of the Union and to the interpreters.

134. The indented paragraphs of this report were adopted by the Council at its meeting of October 14, 1983, and the remaining paragraphs have been adopted by correspondence.

[Annexes follow]

0718

C/XVII/15

ANNEX I/ANNEXE I/ANLAGE I

LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS/TEILNEHMERLISTE

## I. MEMBER STATES/ETATS MEMBRES/VERBANDSSTAATEN

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III. INTERGOVERNMENTAL ORGANIZATIONS/  
 ORGANISATIONS INTERGOUVERNEMENTALES/  
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FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)/ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE (FAO)/ERNAHRUNGS- UND LANDWIRTSCHAFTSORGANISATION DER VEREINigten NATIONEN (FAO)

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IV. OFFICERS/BUREAU/VORSITZ

Dr. W. GFELLER, President  
 Mr. J. RIGOT, Vice-President

V. 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 Counsellor  
 Mr. A. HEITZ, Senior Officer  
 Mr. A. WHEELER, Senior Officer  
 Mr. K. SHIOYA, Associate Officer

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

Mr. M. LAGESSE, Controller

[Annex II follows/  
 Annexe II suit/  
 Anlage II folgt]

## ANNEX II

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

	1977	1978	1979	1980	1981	1982	1983**	total
<u>Agricultural Crops</u>								
Barley	-	17	1	2	2	8	3	33
	-	-	15	2	2	2	7	28
Bread Wheat	1	20	4	3	2	4	1	35
	-	1	20	4	2	2	4	33
White Clover	-	-	-	1	-	-	-	1
	-	-	-	1	-	-	-	1
Meadow Fescue	-	-	-	2	1	-	-	3
	-	-	-	2	-	-	-	2
Red Fescue	-	-	-	7	-	-	-	7
	-	-	-	7	-	-	-	7
Flax, Linseed	-	-	2	6	2	-	-	10
	-	-	-	7	-	-	3	10
Smooth Stalked Meadow-grass	-	-	-	4	-	-	-	4
	-	-	-	4	-	-	-	4
Oat	-	10	2	-	2	2	1	17
	-	-	11	-	2	2	-	15
Potato	-	-	-	33	-	-	1	34
	-	-	-	29	3	1	-	33
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	-	14
	-	-	7	-	1	2	-	10
Spelt	-	1	-	1	-	1	-	3
	-	-	1	-	1	1	-	3
Turnip	-	-	-	1	-	-	-	1
	-	-	-	-	-	-	1	1
<u>Fruit Crops</u>								
Apple	-	1	1	1	1	4	4	12
	-	1	-	1	-	1	1	4
Pear	-	-	-	-	-	-	1	1
	-	-	-	-	-	-	1	1
Plum	-	-	-	1	-	2	-	3
	-	-	-	1	-	-	-	1
Strawberry	-	8	2	-	3	1	3	17
	-	8	-	2	-	-	1	11

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

\*\* Until September 30, 1983.

	1977	1978	1979	1980	1981	1982	1983**	total
<u>Vegetables</u>								
French Bean	-	13	1	-	2	-	-	16
	-	5	3	4	-	-	1	13
Cauliflower	-	-	-	-	1	-	-	1
	-	-	-	-	-	-	1	1
Lettuce	-	-	2	1	1	-	-	4
	-	-	-	2	-	1	-	3
Pea	-	17	2	-	-	2	-	21
	-	6	7	2	2	-	-	17
Black Salsify	-	-	-	2	-	1	-	3
	-	-	-	1	-	-	-	1
<u>Ornamental Species</u>								
Azalea	-	4	1	3	3	-	3	14
	-	-	2	3	5	1	-	11
Bromeliaceae	-	-	-	-	-	2	-	2
	-	-	-	-	-	-	-	-
Carnation	-	-	4	-	2	-	-	6
	-	-	-	4	2	-	-	6
Chrysanthemum	-	-	-	-	-	13	3	16
	-	-	-	-	-	1	10	11
Freesia	-	-	-	-	-	-	1	1
	-	-	-	-	-	-	-	-
Rose	-	40	8	17	21	11	15	112
	-	-	19	9	26	27	6	87
<u>Forest Trees</u>								
Poplar	-	13	-	-	-	-	-	13
	-	-	-	13	-	-	-	13
TOTAL	3	156	34	88	43	52	36	412
	-	21	92	99	46	41	35	334

[Annex III follows]

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## ANNEX III

USE MADE BY BREEDERS OF THE PLANT VARIETY  
PROTECTION SYSTEM IN NEW ZEALAND

From October 1, 1982, to September 30, 1983

	Applications received	Titles issued	Titles in force
<u>Agricultural crops</u>			
Barley	-	4	19
Brassica	-	2	4
Brown Top	2	-	-
Cocksfoot	1	-	-
Fescue	2	-	-
Lentil	1	-	-
Linseed	-	-	1
Lucerne	-	-	2
Oat	-	-	2
Pea	1	2	15
Phacelia	-	-	1
Potato	-	-	2
Ryegrass	3	-	1
Soya Bean	-	-	1
Tick Bean	1	-	-
Triticale	2	-	-
Wheat	-	-	7
Total	13	8	55
<u>Ornamental Plants</u>			
Akeake ( <i>Dodonea viscosa</i> )	-	-	1
Coprosma	1	-	-
Kawaka ( <i>Libocedrus plumosa</i> )	1	-	-
Kowhai ( <i>Sophora microphylla</i> )	1	-	-
Lemon (ornamental)	-	-	1
Orchids	1	-	-
Rose	33	10	85
Total	37	10	87
<u>Fruit Plants</u>			
Apple	1	4	5
Apricot	2	-	-
Babaco ( <i>Carica pentagona</i> )	1	-	-
Cherry	2	-	3
Feijoa <i>sellowiana</i>	-	2	3
Peach	-	1	1
Pepino ( <i>Solanum muricatum</i> )	1	5	8
Plum	1	-	-
Raspberry	1	-	-
Tamarillo ( <i>Cyphomandra betacea</i> )	1	-	-
Total	10	12	17
TOTAL	60	30	159

[Annex IV follows]

## ANNEX IV

TABLE I - SUMMARY OF BUDGET  
(expressed in thousands of francs)

	Original Budget for 1984 pro- posed by Secretary- General	Revised proposals of the Consultative Committee		
		Program Reduction	Cost Reduction	Revised 1984 Budget
<b>INCOME</b>				
Contributions	1,644	-33	-11	1,600 <sup>(a)</sup>
Other Income				
- Publications	5			5
- Miscellaneous	40			40
	<u>1,689</u>	<u>-33</u>	<u>-11</u>	<u>1,645</u>
	=====	===	===	=====
<b>EXPENDITURE</b>				
UV.10 <u>Staff: Salaries and Common Staff Costs</u>	1,017		-7	1,010
<u>Travel on Official Business:</u>				
- <u>Missions [Staff]</u>				
UV.04 - Technical Working Parties	9			
UV.09 - Contacts with Governments and Organizations	27			
- Sub-total	36			36
- <u>Third Party Travel [non-staff]</u>				
UV.01 - Council: Symposium speakers	9			9
<u>Contractual Services:</u>				
- <u>Conferences</u>				
UV.01 - Council	11			
UV.02 - Consultative Committee	9			
UV.03 - Technical Committee	11	-3		
UV.05 - Administrative and Legal Committee	23	-7		
UV.06 - Meeting with Int. Organizations	7	-7		
- Sub-total	61		-1	43
UV.07 - <u>Printing: Information and Documentation</u>	62	-16		46
UV.07 - <u>Other: Information and Documentation</u>	4			
UV.11 : Program Support Expenses	6			
- Sub-total	10			10
UV.11 <u>General Operation Expenses:</u>				
Rental of Premises	39			39
UV.11 <u>Supplies and Materials</u>	3			3
UV.11 <u>Furniture and Equipment</u>	5			5
UV.11 <u>Other Expenses</u>	12			12
Sub-total: EXPENSES PROPER TO UPOV	<u>1,254</u>	<u>-33</u>	<u>-8</u>	<u>1,213</u>
*UV.12 Common Expenses	435		-3	432
TOTAL EXPENSES	<u>1,689</u>	<u>-33**</u>	<u>-11</u>	<u>1,645</u>
	=====	===	===	=====

(a) The value of the contribution unit is 1,600,000 divided by 41 units = 39,024 (+4.4%)

\* Exclusive of UPOV's share in the WIPO common income which is included under "Other Income - Miscellaneous," above.

\*\* The program variation has become minus 2.0% (instead of plus 0.2%)

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TABLE II - YEARLY CONTRIBUTIONS OF MEMBER STATES  
(expressed in Swiss francs)

<u>Member States</u>	<u>Number of Units (1984)</u>	<u>Original budget for 1984 proposed by Secretary-General</u>	<u>Revised proposals of Consultative Committee</u>
Belgium	1.5	60,146	58,537
Denmark	1.5	60,146	58,537
France	5.0	200,488	195,122
Germany, Federal Republic of	5.0	200,488	195,122
Hungary	0.5	20,048	19,512
Ireland	1.0	40,098	39,024
Israel	0.5	20,048	19,512
Italy	2.0	80,195	78,048
Japan	5.0	200,488	195,122
Netherlands	3.0	120,293	117,074
New Zealand	1.0	40,098	39,024
South Africa	1.0	40,098	39,024
Spain	1.0	40,098	39,024
Sweden	1.5	60,146	58,537
Switzerland	1.5	60,146	58,537
United Kingdom	5.0	200,488	195,122
United States of America	5.0	200,488	195,122
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	41.00	1,644,000	1,600,000
	=====	=====	=====

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