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UPOV

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

GENEVA

## ADMINISTRATIVE AND LEGAL COMMITTEE

Ninth Session  
Geneva, April 26 and 27, 1982

## STATISTICS ON THE NUMBER OF PROTECTED VARIETIES

Document prepared by the Office of the Union

1. At the fifteenth ordinary session of the Council, held from November 10 to 12, 1981, the Delegation of France proposed that the Office of the Union should examine the possibility of replacing the sign denoting that a taxon was protected in a State by the total number of varieties that enjoyed protection in that State, in the document submitted each year to Council, containing the list of taxa protected in the member States (usually number 6 in the series of Council documents) (see document C/XV/15, paragraph 8).

2. The Office of the Union holds that the above-mentioned document should not be amended as proposed, particularly in view of the following drawbacks:

(i) As regards the drafting of the document, the Office of the Union would have to amend the entire list of taxa every year--at the risk of frequent mistakes resulting from the practical arrangement of the data in the word processing system--and would also have to wait until the statistical data had been forwarded by all the States concerned.

(ii) As regards the information carried by the document, the statistical data on the number of varieties protected would concern a limited number of taxa hidden in a much larger mass of information (e.g., some 50 species in the case of the United Kingdom, whereas the list of taxa given in document C/XV/6 contains 838 entries). Also, the statistical information would cause some of the information given at present, e.g., that expressed by the signs "X" and "+" or by digits or asterisks, to be lost.

3. Consequently, if it is wished to draw up statistics on the number of varieties protected for the use of the Council, it would be preferable to publish them in a separate document. Such a document would be free of the constraints imposed by the layout of the list of protected taxa and its contents, the latter being closely dependent on the national laws. A specific document of this kind would enjoy a very large degree of flexibility. It would enable, in particular, a number of statistical series to be presented (e.g., number of varieties protected at a given time, number of applications filed and of titles of protection granted during the period), taxa to be subdivided as a function of agronomic criteria (winter and spring cereals, fruit bearing varieties and rootstocks) and, of course, the data to be set out in the form most appropriate to the intended purpose.

4. In view of the above factors, the following items should be looked into:

(ii) Do the member States and the signatory States of the 1978 Revised Act of the Convention wish statistics on the use of the plant variety protection system to be drawn up? It may be noted in this respect that States supply such statistics--albeit overall statistics--to WIPO and that some States present detailed statistics to Council in their statement on present situation, problems arising and progress achieved in the legislative, administrative and technical fields.

(ii) What information should be compiled (e.g., total number of protected varieties at a given date, number of applications filed, withdrawn or rejected and of titles of protection granted or relinquished during the period)? Is it wished to introduce a subdivision in addition to subdivisions by species, that is to say as a function of nationality and residence of the applicant or owner ("residents" and "non-residents" in the statistics supplied to WIPO) or as a function of the country of origin of the variety, as was suggested some years ago in respect of the WIPO statistics (see document CAJ/I/11, paragraphs 20 to 22)?

(iii) At what date would the period begin (January 1 as for the WIPO statistics and the lists of protected varieties of a large number of member States or July 1 as for the statistics on cooperation in examination)?

(iv) Should certain species be subdivided (winter and spring cereals, two-row barley and six-row barley, fruit bearing varieties and rootstocks)? In this respect, the Office of the Union will draw up a list of taxa on the basis of the lists of protected varieties published by the member States to ensure that the States supply comparable statistics.

(v) What final presentation should be given to these statistics, taking into account the type of information to be assembled and the use to be made of it? It would be possible, for example, to draw up a table for each country, in which it would be even possible to show eventually the statistics for a number of successive years--to facilitate comparison over time--or a single table in which one of the entries would be the name of the country--in order to facilitate comparison between countries.

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