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# PLANT VARIETIES

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## Union for the Protection of New Varieties of Plants in 1971

### (1) *State of the Union*

At the end of 1971 the Union for the Protection of New Varieties of Plants (UPOV) consisted of the following six Member States: Denmark, France (ratification on September 3, 1971), Germany (Federal Republic), Netherlands, Sweden (accession on November 17, 1971) and the United Kingdom.

### (2) *Council of UPOV*

In 1971 the Council of UPOV held its fifth meeting. Besides the above-mentioned States, two signatory States (Belgium and Switzerland) attended the meeting in an observer capacity as well as representatives from certain other interested States (Austria, Finland, Israel, Norway, Spain and the United States of America) which had been invited to send observers. Apart from administrative matters, such as the accounts for 1970 and the budget for 1972, the Council made decisions on the following basic questions:

(a) *Variety denominations.* Rules of Procedure for the Exchange of Variety Denominations and a revised list of classes for naming purposes were adopted.

(b) *Guidelines for the conduct of tests on wheat, maize, roses and apples* were adopted in principle and referred to a Technical Steering Committee (created by the Council during the meeting) for harmonization.

(c) *Joint trial arrangements* (see paragraph 4, below).

(d) *The harmonization of the fees* to be paid by breeders was discussed and a special working party was established to study the question.

(e) *A resolution* was adopted recommending Member States to consider the question of including under their national protection systems botanical species "which are important and commonly grown in their respective areas, and which at present are eligible for protection in at least three other Member States."

(f) It was decided to convene a *Diplomatic Conference* for the purpose of amending the Convention for the Protection of New Varieties of Plants (contributions and related matters).

(g) It was decided to organize a *Symposium*, if possible in 1973, for the purpose of acquainting non-member States with the idea of plant breeders' rights and the implementation of the Convention.

### (3) *Other Bodies of UPOV*

(a) The Consultative Working Committee met and made preparations for the decisions mentioned in paragraph 2(f) and (g), above, and the decision under Article 32 of the Convention regarding the admission of Sweden as a member of UPOV.

(b) The Working Party on Variety Denominations met and adopted proposals for the decisions on variety denominations mentioned in paragraph 2(a).

(c) The Chairmen of the Technical Working Parties met and discussed future work. Each of the different Technical Working Parties also met. Apart from the proposals for the guidelines submitted to and adopted in principle by the Council (see paragraph 2(b), above), the Working Parties proceeded with a large number of species, and considerable progress was reported.

(d) The Working Party on Fees (see paragraph 2 (d), above) met on December 14 and 15 and studied the questions of harmonizing fees and of the collection of fees in the case of joint trial arrangements.

### (4) *Joint Trial Arrangements*

In 1970 the Council of UPOV had made a decision in principle on joint arrangement for the trials of roses, according to which the first Member State in which a breeder applied for protection of a certain variety would undertake the trials and pass the results to the other Member States in which protection of the same variety was subsequently applied for. These other Member States would refrain from making trials themselves and, normally, base their decisions on the report on the trials carried out in the first Member State. The scheme was implemented by some Member States in 1971, and other Member States are expected to adopt it in coming years.

For species in respect of which few applications are to be expected (because only a limited number of new varieties are being created), a meeting of experts recommended a division of labor by distribution of the species among Member States. The Council accepted this recommendation and made a decision on the allocation of certain species to individual Member States. Further developments will depend on progress with regard to the adoption of common rules (guidelines) for the conduct of tests of the different species.