



CC/84/14

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

Geneva

**CONSULTATIVE COMMITTEE****Eighty-Fourth Session  
Geneva, October 31, 2012**

## REPORT

*adopted by the Consultative Committee*Opening of the session

- \*1. The Consultative Committee held its eighty-fourth session in Geneva on October 31, 2012.
- \*2. The session was opened and chaired by Mr. Choi Keun-Jin (Republic of Korea), President of the Council, who welcomed the participants.
- \*3. The list of participants is reproduced in the Annex to this document.
- \*4. The Chair informed the Consultative Committee that France had deposited its instrument of ratification of the 1991 Act of the UPOV Convention on April 27 2012, and had become bound by the 1991 Act on May 27, 2012, and that Panama had deposited its instrument of accession to the 1991 Act of the UPOV Convention on October 22, 2012, and would become bound by the 1991 Act on November 22, 2012.
- \*5. The Secretary-General introduced Mr. Ben Rivoire, a national of France, and Mr. Leontino Taveira, a national of Brazil, who had joined the Office of the Union as Consultants in May 2012.

Adoption of the agenda

- \*6. The Consultative Committee adopted the revised draft agenda, as presented in document CC/84/1 Rev.

Preliminary examination of the conformity of the Plant Breeders' Bill of Ghana with the 1991 Act of the UPOV Convention

- \*7. The Consultative Committee considered document C/46/14.
8. The Delegation of Japan requested clarifications on the following:
  - (i) Section 9(4) of the Draft Law, which stated that "[w]here the applicant is not resident in Ghana, the applicant shall appoint a legal representative or agent in this country to process the application.", in relation to the requirements on national treatment of Article 4 of the 1991 Act;

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\* An asterisk next to the paragraph number indicates that the text is reproduced from the Report on the Conclusions (document CC/84/13).

(ii) the recommendation in document C/46/14, paragraph 18, concerning the word “except” in Section 21(1)(c) of the Draft Law.

9. In reply to the first request for clarification by the Delegation of Japan, the Office of the Union explained that the provision was not in conflict with national treatment requirements because it applied to both national and foreign applicants which were not resident in Ghana. The Office of the Union also recalled that similar provisions for a local agent appeared in legislations of other UPOV members. The reason to recommend to move the word “except” from Section 21(1)(c) of the Draft Law to Section 21(1)(c)(i) of the Draft Law was to correspond to the scope of the breeder’s exemption in Article 15(1)(iii) of the 1991 Act.

\*10. The Consultative Committee recommended to the Council that it may wish to:

(a) note the analysis in document C/46/14 and the following changes proposed by the Delegation of Ghana in the Plant Breeders’ Bill of Ghana (Draft Law):

- (i) the deletion of the word “conclusively” in Section 15(2);
- (ii) the replacement of the words “Plant Breeders Advisory Committee” by “Plant Breeders Technical Committee” in Section 30; and
- (iii) the deletion of the word “seed” in Section 43(g);

(b) take a positive decision on the conformity of Draft Law with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants, which allows Ghana, once the Draft Law is modified as recommended in paragraphs 10, 18 and 24 of document C/46/14, and in subparagraph (a) above, with no additional changes, and the Draft Law is adopted and the Law is in force, to deposit its instrument of accession to the 1991 Act; and

(c) authorize the Secretary-General to inform the Government of Ghana of that decision.

Preliminary examination of the conformity of the Plant Breeders’ Rights Bill of the United Republic of Tanzania with the 1991 Act of the UPOV Convention

\*11. The Consultative Committee considered document C/46/15.

12. The Delegation of the European Union requested clarifications on the following:

(i) Section 33(2) of the Draft Law, relating to the duration of the plant breeders’ rights and their renewal, provided a time period of six months for notice before the expiration of the original term. The Delegation asked the United Republic of Tanzania whether the implementation of that period of notice was providing a good balance in relation to interests of third parties;

(ii) Section 45(4) of the Draft Law, concerning the decision on appeals, which stated that “a decision of the Appeals Board shall be final”. The Delegation wondered whether “final” related to the administrative process, and whether there was still a possibility to appeal before the courts.

13. The Delegation of the United Republic of Tanzania confirmed that, during the 10 year experience in the application of the provisions corresponding to Section 33(2) of the Draft Law, the United Republic of Tanzania had had no complaints from stakeholders, including local or foreign breeders, in relation to the six-month period of notice. With regard to Section 45(4) of the Draft Law, the Delegation explained that the Constitution of the United Republic of Tanzania recognized the inherent right for any person, who felt that an administrative decision did not protect their right, to have recourse to the national court of law. Such actions could start at the level of the High Court up to the level of the Court of Appeal.

\*14. The Consultative Committee recommended to the Council that it may wish to:

(a) note the analysis in document C/46/15 and that the Plant Breeders’ Rights Bill for Mainland Tanzania (Draft Law) would incorporate in Section 2 the text “‘Ministry’ means Ministry responsible for agriculture”;

(b) subject to the incorporation in the Draft Law (see Annex II to document C/46/15) of the Minister’s Amendments (see Annex III to document C/46/15), as set out in paragraphs 14, 16, 18, 24, 26, 28, 33, 36, 40, 42 and 43 of document C/46/15, the modifications recommended in paragraphs 22 and 34 of

document C/46/15, and in subparagraph (a) above, and the following proposals agreed with the Delegation of the United Republic of Tanzania in Section 14 and Section 22(1) and (4) of the Draft Law:

“14.-(1) The variety shall be deemed to be new if, at the date of filing of the application for a breeder’s right, propagating or harvested material of the variety has not been sold or otherwise disposed of to any person by or with the consent of the breeder for purposes of exploitation of the variety

“(a) in the territory of the United Republic of Tanzania, earlier than one year before the date of filing the application;

“(b) in a territory other than that of the United Republic of Tanzania ~~in which the application has been filed~~

“(i) earlier than four years; or

“(ii) in the case of trees or of vines, earlier than six years before the said date.”

“22.-(1) Any breeder who has duly filed an application for the protection of a variety in one of the members of an international organization dealing with plant breeders’ rights matters which Tanzania is a party shall enjoy a right of priority for a maximum period of twelve months. This period which shall be computed from the date of filing the first application. The day of filing date shall not be included in the later application latter period.

“[...]

“(4) The applicant shall, within a period of two years after the expiration of the period of priority, or a period of six months where the first application is rejected or withdrawn, be allowed to furnish to the Registrar any necessary information, document or material required in this Act for the purpose of the examination.”

and with no additional changes, take a positive decision on the conformity of the Plant Breeders’ Rights Bill for Mainland Tanzania with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants;

(c) note that the adoption of the Draft Law for Mainland Tanzania and of the Draft Law for Zanzibar are necessary for breeders’ rights to cover the whole territory of the United Republic of Tanzania;

(d) note that the Government of the United Republic of Tanzania has the intention to submit, at a later stage, the Draft Law or adopted Law for Zanzibar for examination by the Council;

(e) inform the Government of the United Republic of Tanzania that its instrument of accession may be deposited after positive decisions of the Council on the Laws for Mainland Tanzania and Zanzibar; and

(f) authorize the Secretary-General to inform the Government of the United Republic of Tanzania of that decision.

#### Documents proposed for adoption by the Council

\*15. The Consultative Committee considered document C/46/13.

(a) TGP documents:

*TGP/12/2*                      *Guidance on Certain Physiological Characteristics (Revision)*  
(document TGP/12/2 Draft 3)

\*16. The Consultative Committee recommended to the Council to adopt the revision of document TGP/12 “Guidance on Certain Physiological Characteristics” (document TGP/12/2) on the basis of document TGP/12/2 Draft 3.

*TGP/0/5*                      *List of TGP Documents and Latest Issue Dates (Revision)*  
(document TGP/0/5 Draft 1)

\*17. The Consultative Committee recommended to the Council to adopt the revision of document TGP/0 “List of TGP Documents and Latest Issue Dates” (document TGP/0/5) on the basis of document TGP/0/5 Draft 1.

(b) Information documents:

*UPOV/INF/12/4 Explanatory Notes on Variety Denominations under the UPOV Convention (Revision)* (document C/46/13, Annex)

\*18. The Consultative Committee recommended to the Council to adopt the revision of document UPOV/INF/12 “Explanatory Notes on Variety Denominations under the UPOV Convention” (document UPOV/INF/12/4), on the basis of the amendments to document UPOV/INF/12/3, as presented in the Annex to document C/46/13.

*UPOV/INF/19/1 Rules governing the granting of observer status to States, intergovernmental organizations and international non-governmental organizations in UPOV bodies (Revision)* (document UPOV/INF/19/1 Draft 2)

\*19. The Consultative Committee recommended to the Council to adopt the revision of the rules governing the granting of observer status to States, intergovernmental organizations and international non-governmental organizations in UPOV bodies (document UPOV/INF/19/1) on the basis of document UPOV/INF/19/1 Draft 2.

\*20. The Consultative Committee noted that document UPOV/INF/19/1 would replace the rules governing the granting of observer status to States, intergovernmental organizations and international non-governmental organizations in UPOV bodies, as set out in the Annex to document C/39/13.

*UPOV/INF/20/1 Rules governing access to UPOV documents (Revision)*  
(document UPOV/INF/20/1 Draft 2)

\*21. The Consultative Committee recommended to the Council to adopt the revision of the rules governing access to UPOV documents (document UPOV/INF/20/1) on the basis of document UPOV/INF/20/1 Draft 2.

\*22. The Consultative Committee noted that document UPOV/INF/20/1 would replace the rules governing access to UPOV documents, as set out in the Annex to document C/39/13.

*UPOV/INF/21/1 Alternative Dispute Settlement Mechanisms*  
(document UPOV/INF/21/1 Draft 1)

\*23. The Consultative Committee recommended to the Council to adopt document UPOV/INF/21/1 “Alternative Dispute Settlement Mechanisms” on the basis of document UPOV/INF/21/1 Draft 1.

*UPOV/INF-EXN/3 List of UPOV/INF-EXN Documents and Latest Issue Dates (Revision)*  
(document UPOV/INF-EXN/3 Draft 1)

\*24. The Consultative Committee recommended to the Council to adopt the revision of document UPOV/INF-EXN “List of INF-EXN Documents and Latest Issue Dates” (document UPOV/INF-EXN/3) on the basis of document UPOV/INF-EXN/3 Draft 1.

#### Access to UPOV documents and publication of information

\*25. The Consultative Committee considered document CC/84/2.

#### *UPOV documents*

\*26. The Consultative Committee noted the new features of the PLUTO Plant Variety Database as presented by Mr. Glenn Mac Stravic, Head of the Brand Database Section at the World Intellectual Property Organization (WIPO) at its eighty-fourth session. In particular, the Consultative Committee noted that the requirement for users to register to use the PLUTO database would be extended to the GENIE database and that the registration procedure would be used to require users to acknowledge the relevant disclaimers for those databases. It further noted that the requirement for users to register to use the PLUTO database would be implemented in November 2012.

\*27. The Consultative Committee noted that the Technical Committee had agreed to add a cover page to all previous adopted versions of the Test Guidelines, indicating their status, before those documents were published on the UPOV website.

\*28. The Consultative Committee agreed to consider at its eighty-fifth session in March 2013:

(a) a proposal for the revision of the disclaimer text, as presented on the UPOV meeting section of the UPOV website (see paragraph 10 of document CC/84/2), in order to refer to documents adopted by the Council, that are in force at the time;

(b) the possibility of adding a disclaimer to each UPOV session document, indicating the status of those documents.

#### *Documents on the UPOV Website*

\*29. The Consultative Committee noted that the resources of the Office of the Union had not yet allowed the scanning and posting on the UPOV website of all important documents that were only available in paper format and that the Office of the Union was continuing to verify the correct inclusion of documents on the redesigned UPOV website.

#### *Database of laws of members of the Union ("UPOV Lex")*

\*30. The Consultative Committee noted that UPOV Lex had been modified in order to include notifications by members of the Union on plant genera and species and would, by November 2012, include all information provided by members of the Union in response to the invitation in December 2011.

#### *Publication of the list of observers in UPOV bodies*

\*31. The Consultative Committee noted that, to date, the resources of the Office of the Union had not allowed the posting on the UPOV website of the date of granting of observer status in the list of observers in UPOV bodies.

#### *Information on Council President and Chairpersons of UPOV bodies*

\*32. The Consultative Committee noted that, in conjunction with the publishing of the information concerning the President and Vice-President of the Council and the Chairs and Vice-Chairs of the UPOV bodies, the appropriate contact information and photograph of the Secretary-General and of the Vice Secretary-General had been published on the UPOV website in October 2012.

#### *Social media*

\*33. The Consultative Committee noted the report on the plans for the establishment of a UPOV channel on YouTube and invited the Office of the Union to prepare a proposed communication strategy, that would include consideration of the possible use of social media, for consideration by the Consultative Committee at its eighty-fifth session, to be held in March 2013.

#### *Seminars and symposia*

\*34. The Consultative Committee noted the draft program for the "Symposium on the benefits of plant variety protection for farmers and growers".

\*35. The Consultative Committee noted that the proceedings of the "Symposium on Plant Breeding for the Future" had been combined with the program of activities for the Fiftieth Anniversary in a document that would be provided to participants during the forty-sixth session of the Council.

\*36. The Consultative Committee noted that a publication combining the proceedings of the "UPOV Seminar on Plant Variety Protection and Technology Transfer: the Benefits of Public-Private Partnership", the "Symposium on Plant Breeding for the Future" and the "Symposium on the benefits of plant variety protection for farmers and growers", would be published in early 2013 and that, in addition, all those proceedings would be published on the UPOV website.

Use of electronic communication for meetings

\*37. The Consultative Committee considered document CC/84/11.

*Multiple interactive web conferencing*

\*38. The Consultative Committee noted the use of web conferencing by the Enlarged Editorial Committee (TC-EDC), the Technical Working Parties (TWPs) and the Office of the Union.

\*39. The Consultative Committee approved the use of web conferencing by UPOV bodies, as considered appropriate by the UPOV body concerned, to facilitate participation by members of the Union and observers in accordance with the existing procedures. The Consultative Committee recalled that the procedures concerning the invitations to the sessions of the UPOV bodies were contained in the UPOV Convention, rules of procedure, guidance for members of UPOV on ongoing obligations and related notifications, rules governing the granting of observer status to States, intergovernmental organizations and international non-governmental organizations in UPOV bodies and the rules governing access to UPOV documents. In accordance with those procedures, web conferencing participation would be by means of a password issued to the designated persons in the relevant UPOV body and participation would be monitored by the Office of the Union.

\*40. The Consultative Committee approved the use of web conferencing by the Office of the Union to facilitate participation by invited participants to its meetings, as considered appropriate by the Office of the Union.

*Webcasting*

\*41. The Consultative Committee approved the use of webcasting of sessions of UPOV bodies for viewing by members of the Union and observers in accordance with the existing procedures, as considered appropriate by the UPOV body concerned. The Consultative Committee noted that the procedures concerning the invitations to the sessions of the UPOV bodies were contained in the UPOV Convention, rules of procedure, guidance for members of UPOV on ongoing obligations and related notifications, rules governing the granting of observer status to States, intergovernmental organizations and international non-governmental organizations in UPOV bodies and the rules governing access to UPOV documents. In accordance with those procedures, webcasting viewing would be by means of a password issued to the designated persons in the relevant UPOV body and participation would be monitored by the Office of the Union.

\*42. The Consultative Committee agreed that, in all other cases of webcasting, the Consultative Committee would be invited to approve any arrangements for a possible webcast.

\*43. The Consultative Committee agreed that the webcast of the "Symposium on the benefits of plant variety protection for farmers and growers", to be held in Geneva on November 2, 2012, be made available on the UPOV website after a suitable broadcast delay.

UPOV Distance Learning Course

\*44. The Consultative Committee considered document CC/84/3.

45. The Delegation of Australia expressed its support for the development of the advanced distance learning course and welcomed the collaboration between the Office of the Union and Naktuinbouw. The Delegation volunteered to assist with the elements of the course that might relate to a "breeder testing" system.

46. The Delegation of the United States of America noted that the first page of the Annex of document CC/84/3 stated that there would be no fee for participants in UPOV training activities and wondered which training activities would be included.

47. The Vice Secretary-General clarified that the training activities were UPOV supported activities; for example, the "Training Course on the Protection of Plant Breeders' Rights", organized by the Japan International Cooperation Agency (JICA) (Japan); the "Plant Variety Protection Course", organized by Naktuinbouw (Netherlands); the "Training Course on Plant Variety Protection", organized by the Korean

Seed & Variety Service (KSVS) and the Korean International Cooperation Agency (KOICA) (Republic of Korea), etc. He was of the opinion that, where the content of the DL-305 was relevant, enabling trainees to complete the distance learning before, or during, the training course provided synergy. He noted that, in relation to the DL-205 Course, the number of participants in training activities was included in the report of the activities of the biennium presented to the Council.

48. The Delegation of Mexico expressed its thanks and recognition for the efforts deployed by the Office of the Union and the Netherlands for the development of that course. The Delegation considered that the distance learning courses were very important for all parties involved and reiterated the support of Mexico for the provision of any assistance, for example translation work, which might be useful.

\*49. The Consultative Committee noted that the advanced distance learning course DL-305 "Examination of Applications for Plant Breeders' Rights" would contain an additional module on "Trial Design and Data Analysis" and approved the plans for the launch of the advanced distance learning course DL-305, as set out in paragraphs 3 and 4 of document CC/84/3.

\*50. The Consultative Committee also noted that a Memorandum of Understanding and a Letter of Understanding would be signed between UPOV and Naktuinbouw for the development of the modules in Section IV "DUS Examination".

#### Assistance webpage on the UPOV website

\*51. The Consultative Committee considered document CC/84/4 and noted the demonstration of the prototype of the "Assistance" webpage made at its eighty-fourth session.

52. The Delegation of Japan proposed that, in the next consideration of access arrangements, access by potential members of the Union to the assistance webpage should be considered.

\*53. The Consultative Committee approved the launch of the "Assistance" webpage, on the basis of the prototype, on an area of the UPOV website that would be accessible via the restricted area and via a separate link and password that would be issued to the representative and alternate of each member of the Union to the Council.

\*54. The Consultative Committee noted that proposals for the development of section "Requests for assistance for the development of plant variety protection" and "Reports on assistance" would be made at a later date.

#### Financial situation of the International Union for the Protection of New Varieties of Plants as at December 31, 2011

\*55. The Consultative Committee considered documents C/46/4 and CC/84/12.

56. The Delegation of Australia welcomed the improvements made to document C/46/4, in particular the explanation of the income and the variations to expenditure, which facilitated the understanding of the challenges and how they had been dealt with in an effective way.

\*57. The Consultative Committee recommended to the Council to approve the accounts for the 2010-2011 financial period. It noted the report of the auditor on the accounts of the 2010-2011 biennium, as contained in document C/46/4.

\*58. The Consultative Committee noted the information on the reserve fund in relation to the 2010-2011 Biennium and noted the preview of the situation with regard to the reserves at the end of the 2012-2013 Biennium on the basis of the financial results for the 2010-2011 Biennium, the Program and Budget for the 2012-2013 Biennium and the adoption of the International Public Sector Accounting Standards (IPSAS).

59. The Delegation of the United States of America sought information on action being taken to deal with arrears in contributions. The Delegation also requested information on the miscellaneous debtors entry in Annex A.6 of document C/46/4.

60. The Chief Financial Officer (Controller) explained that every four months, reminders were sent to members of the Union that had not paid their arrears. He reported that, at the end of 2011, the amount of

arrears was approximately 191,000 Swiss francs and, at that moment, it was approximately 125,000 Swiss francs. He noted that a number of members paid at different times of the year and some members paid towards the end of the year. He observed that there was a downward trend concerning the arrears over the last few years. He explained that the miscellaneous debtors, which amounted to 647 Swiss francs in Annex A.6 of document C/46/4, corresponded to taxes for which reimbursement had been requested from the Swiss Confederation. He noted that UPOV was tax exempted; therefore, invoices were generally received without taxes and, in those cases where invoices included taxes, the amounts were usually reimbursed within two or three months.

#### Arrears in contributions as of September 30, 2012

\*61. The Consultative Committee noted the status of payment of contributions as at September 30, 2012, and noted that, due to recent payments, Belarus, Italy, Morocco, Panama and Spain had no arrears.

#### UPOV policy for financing speakers and participants

\*62. The Consultative Committee considered document CC/84/5.

63. The Delegation of Japan requested clarification on the type of cases for which the Office of the Union would consider it appropriate for UPOV to cover travel and related expenses. For example, whether that could mean that it would be appropriate to finance speakers that were farmers, small companies or small organizations.

64. The Vice Secretary-General explained that the Office of the Union would encourage all speakers from the private sector to cover their own expenses. However, in some exceptional circumstances, if the selected speaker, for instance an individual grower, would not be able to participate if they were required to pay the travel expenses, the Office of the Union could consider whether to cover the expenses. He noted that a certain degree of flexibility would help to ensure that the most appropriate speakers could be selected.

\*65. The Consultative Committee noted that UPOV planned to follow the WIPO policy for financing third-party expenses, except that UPOV would:

- (a) continue to cover the cost of air travel in economy class only;
- (b) continue to pay a reduced DSA that is different from the DSA rate applied by WIPO, where UPOV arranges to pay for accommodation directly;
- (c) request that relevant third parties from the private sector be encouraged to participate at their own cost but, as considered appropriate by the Office of the Union, provide travel and related expenses; and
- (d) continue not to pay honoraria.

#### Observers in UPOV bodies

\*66. The Consultative Committee considered document CC/84/6.

\*67. The Consultative Committee noted the granting of observer status to Ghana in the Technical Committee (TC) and in the Technical Working Parties (TWPs).

\*68. The Consultative Committee noted the *ad hoc* invitations which had been issued to experts as reported in paragraph 7 of document CC/84/7, and noted that an *ad hoc* invitation had been issued to Brunei Darussalam to attend the Council on November 1, 2012.

\*69. The Consultative Committee was of the view that the name change from "Association for Plant Breeding for the Benefit of Society (APBREBES)" to "Seeds for All", with no other substantive changes to the purpose or statutes, would, in principle, not affect the observer status of APBREBES. However, the Consultative Committee noted that the matter would need to be considered by the Consultative Committee when APBREBES notified to the Office of the Union any change to APBREBES' statutes.



Situation concerning those States and intergovernmental organizations which have initiated the procedure for acceding to the UPOV Convention or which have been in contact with the Office of the Union for assistance in the development of laws based on the UPOV Convention

\*70. The Consultative Committee considered document CC/84/7.

\*71. The Consultative Committee approved the publication of a document in the UPOV website with the list of UPOV members, list of States and intergovernmental organizations which have initiated the procedure for acceding to the UPOV Convention (see Section II(a) of document CC/84/7) and the list of States and intergovernmental organizations which have been in contact with the Office of the Union for assistance in the development of laws based on the UPOV Convention (see Section II(b) of document CC/84/7).

\*72. The Consultative Committee noted, that on October 30, 2011, WIPO had received a request from the Palestinian Authorities for comments on Draft Laws, which included a "PVP Draft Law on the Protection of New Varieties of Plants for the Year 2011" (PVP Draft Law). At the request of WIPO, the Office of the Union prepared comments on the PVP Draft Law and transmitted those comments to WIPO on March 5, 2012.

\*73. The Consultative Committee approved the inclusion of a new section in future versions of document CC/84/7, if appropriate, of requests for comments on laws provided to WIPO.

\*74. The Consultative Committee noted the developments reported in document CC/84/7.

Reports from new members of the Union

\*75. The Consultative Committee considered document CC/84/8.

\*76. The Consultative Committee welcomed the presentations by the Dominican Republic, Turkey and Viet Nam.

\*77. The Consultative Committee approved the issue of an invitation to Georgia to make a presentation at the eighty-sixth session of the Consultative Committee, to be held in October 2013.

Developments of relevance to UPOV in other international fora

\*78. The Consultative Committee considered document CC/84/9 Rev.

79. The Delegation of Norway referred to section V "Developments under the auspices of the Food and Agriculture Organization of the United Nations (FAO)" and approved the participation of the Office of the Union in the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) Platform for the Co-Development and Transfer of Technologies. It expressed Norway's support for the fair and equitable sharing of monetary and non-monetary benefits also within the Plant Treaty's Multilateral System. The Delegation was of the view that technology transfer was a key component of non-monetary benefit-sharing and a precondition for enhancing the capacity to use plant genetic resources for food and agriculture. The Delegation was of the opinion that, at the outset of designing the Platform, it must be stressed that technology transfer and information sharing would take place at all levels and that the Platform reflected the use and needs of farmers in developing countries, who conserve and sustainably utilize plant genetic resources for food and agriculture. The Delegation noted the report provided by the Office of the Union to the Commission on Genetic Resources for Food and Agriculture reproduced in Annex VI of document CC/84/9 Rev. It observed that the report only referred to the 1991 Act of the UPOV Convention despite the fact that 20 out of 70 members were bound by the 1978 Act. The Delegation requested that similar reports in the future recognized that the basis for granting breeders' rights consisted of different sets of rules. It explained that there were important differences between the 1991 Act and the 1978 Act; for example, the 1978 Act had no limitations on the farmer's privilege and did not contain provisions on essentially derived varieties.

80. The Delegation of Australia expressed its support for the participation of UPOV in the WIPO initiative on sustainable wheat production in the United Republic of Tanzania.

\*81. The Consultative Committee noted the developments concerning the World Seed Project, the East Asia Plant Variety Protection Forum (EAPVP Forum), the Organisation for Economic Co-operation and

Development (OECD), the Convention on Biological Diversity (CBD) and the Food and Agriculture Organization of the United Nations (FAO).

\*82. The Consultative Committee approved the participation of the Office of the Union in the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) Platform for the Co-Development and Transfer of Technologies.

\*83. The Consultative Committee noted the report provided by the Office of the Union to the Sixth Session of the Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture of the Commission on Genetic Resources for Food and Agriculture (CGRFA) and approved the provision of similar reports to future sessions, which would relate to all Acts of the UPOV Convention.

\*84. The Consultative Committee noted the developments concerning the World Intellectual Property Organization (WIPO), and in particular concerning the WIPO Framework for Designing National Intellectual Property Strategies for Development, the WIPO Questionnaire “Tool 2: Baseline Survey Questionnaire – Assessing the current state of the national intellectual property system and its links with national development priorities” and the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).

\*85. The Consultative Committee approved the participation of UPOV in the WIPO initiative on sustainable wheat production in the United Republic of Tanzania.

\*86. The Consultative Committee noted the developments concerning the World Trade Organization (WTO).

#### Preparation of the Calendar of Meetings

\*87. The Consultative Committee considered documents CC/84/10 and C/46/8.

\*88. The Consultative Committee noted the proposals in document C/46/8 “Calendar of Meetings in 2013” and noted that the following correction would be made to document C/46/8, Annex II:

#### “JANUARY

~~Tuesday~~ Wednesday, 9 and ~~Wednesday~~ Thursday, 10                      Editorial Committee”

\*89. The Consultative Committee agreed that proposals concerning the relevant calendar of meetings could be presented to the Consultative Committee in a Council document, without an accompanying Consultative Committee document.

#### Draft press release

\*90. The Consultative Committee recommended to the Council to approve the draft press release contained in document C/46/17 Prov.

#### Program for the eighty-fifth session

91. The Delegation of Australia referred to the UPOV Report on the Impact of Plant Variety Protection, published in 2005, which it considered to be an important document to describe the advantages of both implementing a law that conformed with the UPOV Convention and joining UPOV. It suggested to start reflecting on how to refresh the Impact Study or how to further develop an understanding of the impact of UPOV. It suggested starting that exercise later in 2013, in order to continue building the reputation of UPOV throughout the world and the IP community.

92. The Vice Secretary-General explained that there was an increasing quantity and diversity of information on the benefits of the UPOV system of plant variety protection, to the extent that it was increasingly difficult to present all the information that was available. Therefore, he agreed that UPOV should look at producing another publication that would include information that had become available since 2005. He recalled that the trilogy of events in 2011 and 2012 had highlighted the importance of the UPOV system: “Seminar on Plant Variety Protection and Technology Transfer: the Benefits of Public-Private Partnership” “Symposium on Plant Breeding for the Future” and the “Symposium on the Benefits of Plant

Variety Protection for Farmers and Growers". Those events were complementary to the Impact Study and, in addition to producing a compilation, it might be useful to present an executive summary in the form of a leaflet. He suggested that such reflections could be included under the agenda item "Communication strategy" for the eighty-fifth session, in order to cover relevant communication matters concerning means and content.

\*93. The following program was agreed for the eighty-fifth session of the Consultative Committee:

1. Opening of the session
2. Adoption of the agenda
3. Preliminary examination of the conformity of the legislation or proposed legislation of any State or organization having submitted a request under Article 34(3) of the 1991 Act of the UPOV Convention
4. Documents proposed for adoption by the Council
5. Reports of the WIPO Independent Advisory Oversight Committee
6. Financial situation in relation to the Program and Budget of the Union for the 2012-2013 Biennium
7. Preparation of the Draft Program and Budget of the Union for the 2014-2015 Biennium
8. Preparation of reports to the Council
9. Access to UPOV documents and publication of information
10. Communication strategy
11. UPOV Distance Learning Course
12. Developments of relevance to UPOV in other international fora
13. Draft press release
14. Program for the eighty-sixth session
15. Adoption of the report on the conclusions (if time permits)
16. Closing of the session

94. *This report was adopted by correspondence.*

[Annex follows]

ANNEXE / ANNEX / ANLAGE / ANEXO

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS /  
TEILNEHMERLISTE / LISTA DE PARTICIPANTES

(dans l'ordre alphabétique des noms français des membres/  
in the alphabetical order of the names in French of the members/  
in alphabetischer Reihenfolge der französischen Namen der Mitglieder/  
por orden alfabético de los nombres en francés de los miembros)

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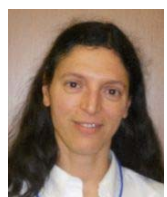
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