

**TECHNICAL COOPERATION ACTIVITIES: INFORMATION FROM
OTHER INTERGOVERNMENTAL ORGANIZATIONS**

**INTERNATIONAL UNION FOR THE PROTECTION OF NEW
VARIETIES OF PLANTS (UPOV)**

Addendum

The present document reproduces the information which has been received from the International Union for the Protection of New Varieties of Plants (UPOV) by means of a communication dated 4 September 2002. It was circulated as an advance copy at the TRIPS Council meeting held on 17 September 2002.

**TECHNICAL ASSISTANCE PROGRAM OF THE INTERNATIONAL UNION FOR THE
PROTECTION OF NEW VARIETIES OF PLANTS (UPOV) FOR THE BENEFIT OF
DEVELOPING COUNTRIES**

Introduction

1. The inclusion of Article 27.3(b) in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) has strongly encouraged a large number of developing countries to enact plant variety legislation. Consequently, the membership of UPOV has expanded worldwide, with many new members from developing countries. As of 31 August 2002, the number of UPOV member States reached 51. Moreover, 16 countries and two regional organizations¹ have initiated with the Council of UPOV the procedure for becoming members of the Union. There are also 39 other countries, which have been in contact with the Office of the Union with a view to developing legislation in line with the UPOV Convention. Still, many other non-member States currently have laws or proposals for laws to protect plant varieties. Information available to the Office of UPOV suggests that the number of States likely to have laws based on the UPOV Convention in the near term may exceed 100.

2. Accordingly, there has been an increase in the number of requests received from developing countries for legal and technical assistance in the preparation and implementation of plant variety protection legislation. In light of their emerging needs, UPOV places great importance on legal and

¹ Azerbaijan, Belarus, Costa Rica, Egypt, Georgia, Honduras, India, Kazakhstan, Lithuania, Morocco, Tajikistan, The former Yugoslav Republic of Macedonia, Tunisia, Venezuela, Yugoslavia, Zimbabwe, European Community, African Intellectual Property Organization (OAPI) with its members: Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Senegal, Togo.

technical assistance activities subject to limited financial and human resources. In the UPOV Program and Budget for 2002/2003, the Council of UPOV established sub-program UV.02 with the following objectives:

- To maintain and improve the quality of protection provided by the UPOV system.
- To provide and develop the legal and technical basis for international cooperation in a harmonized approach to plant variety protection according to the 1991 Act of the Convention.

3. There is a demand-driven need to assist Contracting Parties that have acceded to the Union in the more recent past, in the implementation of their UPOV-based system of plant variety protection. The aim is to enable them to fully enjoy the benefits and economic incentives the system is able to generate. UPOV, as the leading institution in all matters of plant variety protection, has the obligation to provide assistance and advice. For this purpose, in the UPOV Program and Budget for 2002/2003, the Council of UPOV also established sub-program UV.03 with the following objectives:

- To assist governments in implementing effective plant variety rights systems.
- To assist governments, particularly governments of developing countries and countries in transition to a market economy, in the preparation and enactment of legislation conforming with the 1991 Act of the UPOV Convention.

4. The demand for assistance and demand for training have increased. UPOV has organized several assistance activities, some of them in cooperation with UPOV member States and other international organizations, such as the World Intellectual Property Organization (WIPO). They have been carried out for the benefit of developing countries as well as other countries, since the policy is that assistance should be provided where it is most needed to implement plant variety protection effectively.

Provision of Legislative and Technical Advice and Information

5. UPOV provided advice to States on plant variety protection laws, commented on draft texts and, on request, assisted in preparing drafts of national laws and regulations. During recent years, it has provided assistance or advice on these matters to numerous developing countries.

6. From 1 January 2001, to 31 July 2002, the Office of UPOV provided information, advice or assistance and, in some cases, organized advisory missions, to the following States:

| Africa | Asia / Pacific | Latin America/ Caribbean | Countries in Transition to a Market Economy |
|---------------|-------------------------------------|-------------------------------------|--|
| Algeria | Bangladesh | Argentina | Albania |
| Burundi | Cambodia | Barbados | Armenia |
| Cameroon | China | Bolivia | Azerbaijan |
| Comoros | Fiji | Brazil | Belarus |
| Côte d'Ivoire | India | Colombia | Bosnia and Herzegovina |
| Djibouti | Indonesia | Costa Rica | Bulgaria |
| Egypt | Jordan | Cuba | Croatia |
| Ethiopia | Lao People's Democratic Republic | Dominica | Czech Republic |
| Ghana | Lebanon | Dominican Republic | Estonia |
| Kenya | Malaysia | Ecuador | Georgia |

| Africa | Asia / Pacific | Latin America/ Caribbean | Countries in Transition to a Market Economy |
|---------------|-----------------------|-------------------------------------|--|
| Madagascar | Mongolia | El Salvador | Hungary |
| Mauritius | Myanmar | Guyana | Kazakhstan |
| Rwanda | Oman | Honduras | Kyrgyzstan |
| Seychelles | Pakistan | Jamaica | Latvia |
| Tunisia | Philippines | Nicaragua | Lithuania |
| Zimbabwe | Republic of Korea | Panama | Poland |
| | Singapore | Peru | Republic of Moldova |
| | Sri Lanka | Suriname | Romania |
| | Thailand | Venezuela | Russian Federation |
| | Turkey | | Slovakia |
| | Viet Nam | | Slovenia |
| | | | Tajikistan |
| | | | Turkmenistan |
| | | | Ukraine |
| | | | The former Yugoslav Republic of Macedonia |
| | | | Uzbekistan |
| | | | Yugoslavia |

Seminar, Workshop, Training Course

7. Subject to budgetary limitations, the Office of UPOV organized and co-operated in the organization of national seminars and symposia on plant variety protection. Where extra-budgetary resources have been made available, UPOV has organized international seminars and extended courses for developing countries on subjects related to plant variety protection.

8. UPOV also provided speakers and lecturers for seminars, symposia and workshops organized by other organizations or governments to assist with national efforts in the preparation and implementation of plant variety protection legislation and to promote international understanding of plant variety protection. The meetings organized or supported by UPOV are listed in the Annex.

9. Member States of UPOV have expressed their willingness to co-operate with the Office of UPOV in the organization of on-the-job training for individuals or courses for groups, subject to funding being available for the travel and subsistence expenses of trainees.

Other Assistance

10. UPOV is prepared, in principle, subject to the availability of adequate funding and personal resources, to participate in, or to execute segments of, seed industry or intellectual property development projects which aim at the establishment of national plant variety protection systems. A number of such projects have been proposed.

[Annex 1 follows]

ANNEX

Seminars, Workshops, Symposia, and Training Courses Organized or Supported by UPOV
from January 1, 2001 to July 31, 2002

| Date | Venue | Co-organizers, sponsors | Activities | Participants |
|--|--|--|---|--|
| (a) Meetings organized/co-organized by UPOV | | | | |
| 2001 | | | | |
| February 18 to March 1 | New Delhi, Cuttak, Hyderabad, Pune, India | Government of India | National Seminars on the Protection of Plant Varieties under the UPOV Convention, held in India | Officials, scientists and breeders |
| April 26 and 27 | Panama | Ministry of Industry and Commerce, DIGERPI, SIECA | National Seminar on Plant Variety Protection | Officials, breeders and lawyers |
| July 2 and 3 | Senegal | Government of Senegal, OAPI ² , Ministry of Agriculture and Fisheries of France | Regional Seminar on the Common System for Technical Examination of Plant Varieties in Africa under the UPOV Convention | 16 Member States of OAPI, France, European Union |
| July 16 | Paramaribo, Suriname | Government of Suriname, Anton de Kom University | National Seminar on the Protection of New Varieties of Plants under the UPOV Convention | Officials, breeders and lawyers |

² African Intellectual Property Organization.

| Date | Venue | Co-organizers, sponsors | Activities | Participants |
|---------------------|--------------------|--|---|---|
| July 19 | Georgetown, Guyana | Ministry of Foreign Trade and International Cooperation of Guyana | National Seminar on the Protection of New Varieties of Plants under the UPOV Convention | Officials, breeders and lawyers |
| July 23 to 26 | Beijing, China | Ministry of Agriculture, State Forestry Administration, State Intellectual Property Office of China, MAFF ³ - Japan | Regional Technical Meeting for Asian Plant Variety Protection Systems and Workshop on the Principles of Technical Examination and the Preparation of National Test Guidelines | China, India, Indonesia, Malaysia, Pakistan, Philippines, Republic of Korea, Sri Lanka, Thailand, Viet Nam, IRRI ⁴ |
| September 13 and 14 | Asunción, Paraguay | Seed Direction of the Ministry of Agriculture of Paraguay | National Seminar on Plant Breeders' Rights under the UPOV Convention | Officials, breeders and lawyers |
| September 17 and 18 | La Habana, Cuba | Cuban Office of Industrial Property | National Seminar on Plant Breeders' Rights under the UPOV Convention | Officials, breeders and lawyers |
| December 4 and 5 | Zagreb, Croatia | Government of Croatia | National Seminar on Plant Variety Protection | Officials, breeders and lawyers |

³ Ministry of Agriculture, Forestry and Fisheries of Japan.

⁴ International Rice Research Institute.

| Date | Venue | Co-organizers, sponsors | Activities | Participants |
|----------------|------------------------------------|--|---|--|
| 2002 | | | | |
| May 20 to 22 | Port of Spain, Trinidad and Tobago | Ministry of Legal Affairs of Trinidad and Tobago | Regional Seminar on the Protection of New Varieties of Plants Under the UPOV Convention | Officials from the government and judicial sector, researchers, plant breeders, representatives from Antigua and Barbuda, Dominica, Grenada, Haiti, Jamaica, St. Kitts and Nevis, other countries in the Caribbean Region. |
| June 10 and 11 | Tepic, Mexico | University of Colima, Autonomous University of Nayarit, Technological Institute of Tepic | Fifth Workshop on Intellectual Property Rights: Plant Breeders Rights, Teaching, Research, Commercialization and Legal Protection | Officials, breeders and lawyers |
| June 12 and 13 | Ukraine | WIPO, State Department of Intellectual Property, Ministry of Education and Science of Ukraine, Autonomous Republic of Crimea | National Seminar on Intellectual Property Protection in Biotechnology | Officials, scientists, breeders and lawyers |
| June 12 to 14 | Texcoco, Mexico | SNICS ⁵ | Workshop on Data Handling | Experts from: Mexico, Bolivia, Guatemala, Kenya, Nicaragua and Costa Rica |

⁵ National Service for Seed Certification and Inspection (*Servicio Nacional de Inspección y Certificación de Semillas*).

| Date | Venue | Co-organizers, sponsors | Activities | Participants |
|-------------------|--------------------------|--|---|---|
| June 14 | Ukraine | State Service for Plant Varieties Rights Protection of Ukraine | National Workshop on Plant Variety Protection | Officials, scientists, breeders and lawyers |
| July 2 to 5, 2002 | Seoul, Republic of Korea | Ministry of Agriculture and Forestry of the Republic of Korea, MAFF – Japan | Third Asian Regional Technical Meeting for Plant Variety Protection | Bangladesh, Cambodia, China, India, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Pakistan, Philippines, Sri Lanka, Thailand and Vietnam. UPOV member States (China, Japan, Poland, Spain, Republic of Korea, IRRI) |
| July 8 to 10 | Suva, Fiji | Ministry of Agriculture, Sugar and Land Resettlement of the Government of Fiji | National Seminar on the Protection of New Varieties of Plants under the UPOV Convention | Officials, breeders and lawyers |

| Date | Venue | Co-organizers, sponsors | Activities | Participants |
|---|-------------------|--|--|---|
| (b) Meetings to which UPOV provided speakers | | | | |
| March 6 to 8 | Budapest, Hungary | Agricultural Research Institute of the Hungarian Academy of Sciences, FAO ⁶ | Regional Technical Meeting on Seed Policy and Programs for CEEC ⁷ , CIS and other Countries in Transition | Officials, scientists and breeders |
| March 24 to 27 | Cairo, Egypt | AFSTA | Lecture at the First Annual Congress of AFSTA ⁸ | Officials, breeders and lawyers |
| April 24 | Bologna, Italy | EC ⁹ | Workshop on the Use of Molecular Markers Applied to Essential Derivation of Varieties | Officials, scientists, breeders and lawyers |
| July 17 and 18 | Bangkok, Thailand | IRRI, SWIFFT ¹⁰ | The INGER Training-Workshop on Intellectual Property Rights, Contracts and Germplasm Exchange and the INGER Technical Advisory Committee Meeting | 15 INGER member countries (Bangladesh, Cambodia, China, Egypt, India, Indonesia, the Republic of Korea, the Lao People's Democratic Republic, Malaysia, Myanmar, Pakistan, the Philippines, Sri Lanka, Thailand, Viet Nam), WARDA ¹¹ , IRRI and SWIFFT |

⁶ Food and Agriculture Organization of United Nations.

⁷ Central and Eastern European Countries.

⁸ African Seed Trade Association.

⁹ European Community.

¹⁰ Strategic Initiative for Technology Transfer at the Cornell University.

| Date | Venue | Co-organizers, sponsors | Activities | Participants |
|--------------------|--------------------|--|---|--|
| September 17 to 20 | Chiba, Japan | APSA ¹² | Asian Seed 2001 (and Keygene Seminar: The Genetic Revolution) | Officials, scientists and breeders |
| October 11 and 12 | Tokyo, Japan | JICA ¹³ | JICA Training Course on Protection of Plant Breeders' Rights | Experts from: Bangladesh, Bolivia, Indonesia, Kenya, Malaysia, Philippines, Thailand, Viet Nam, Zimbabwe |
| October 15 to 17 | Gaborone, Botswana | ARIPO ¹⁴ , EPO ¹⁵ , UKPO ¹⁶ | Workshop on Modernization of Patent Offices and Participants Challenges of the Industrial Property System in the Region | Officials, scientists and breeders |
| November 26 to 28 | Beijing, China | Seed Industry of China | International Forum on the Globalization of the Chinese Seed Industry | Officials, scientists and breeders |
| November 26 to 29 | Almaty, Kazakhstan | CIMMYT ¹⁷ , GTZ ¹⁸ , TACIS ¹⁹ | Regional Meeting on Plant Variety Testing, Selection Achievements Protection in the Central Asia States and the Kazakh-Kyrgyz-Tajik Seminar on Wheat Breeding and Cultivation | Officials, scientists and breeders |

¹¹ West Africa Rice Development Association.

¹² Asia and Pacific Seed Association.

¹³ Japan International Cooperation Agency.

¹⁴ African Regional Industrial Property Organization.

¹⁵ European Patent Office.

¹⁶ United Kingdom Patent Office.

| Date | Venue | Co-organizers, sponsors | Activities | Participants |
|--------------------|--------------------------------|--|---|---------------------------------|
| November 27 | Buenos Aires, Argentina | Argentine Association for Plant Variety Protection | 1991 UPOV Act, A Tool for the Development of Agriculture | Officials, breeders and lawyers |
| November 27 and 28 | Vilnius, Lithuania | WIPO | Lecture at Subregional Seminar on Biotechnology and Intellectual Property | Officials, breeders and lawyers |
| December 3 and 4 | Santiago, Chile | Chilean Association of Industrial Property | Seminar on the WIPO and UPOV Treaties | Officials, breeders and lawyers |
| December 3 to 6 | Beijing, China | SWIFFT | Executive Seminar for Professionals, Strengthening the Plant Variety Protection, Registration and Management in China | Officials, breeders and lawyers |
| December 7 | Anyang City, Republic of Korea | National Seed Management Office, Republic of Korea | National Workshop on the Membership of UPOV | Officials, breeders and lawyers |

¹⁷ International Maize and Wheat Improvement Center.

¹⁸ Deutsche Gesellschaft für Technische Zusammenarbeit .

¹⁹ The EU's relations with Eastern Europe & Central Asia.

| Date | Venue | Co-organizers, sponsors | Activities | Participants |
|---------------|-------------------------------------|---|--|--|
| 2002 | | | | |
| April 8 to 10 | Abidjan, Côte d'Ivoire | Ministre de l'industrie et de la promotion du secteur privé, OIPI ²⁰ | Colloque régional / OMPI/OAPI sur la propriété intellectuelle et la protection des expressions du folklore, des savoirs traditionnels et des ressources génétiques | Officials, breeders and lawyers |
| May 8 to 10 | Lusaka, Zambia | WIPO, Government of Zambia, National Institute of Scientific and Industrial Research of Zambia | The WIPO Regional Meeting on Intellectual Property and the Protection of Expressions of Folklore and Traditional Knowledge | Officials, scientists, breeders and lawyers |
| May 20 and 21 | Belgrade and Lake Palic, Yugoslavia | Federal Ministry of Economy and Internal Trade of Yugoslavia, Plant Variety Protection Office of the US Department of Agriculture | Symposium and Workshop entitled "Plant Variety Protection in the Federal Republic of Yugoslavia" | Officials, breeders and lawyers |
| June 11, 2002 | Wageningen, Netherlands | PRI ²¹ | PRI: Sixth Course on Plant Variety Protection | Experts from: Chile, China, Cyprus, Hungary, India, Indonesia, Iran, Israel, Republic of Korea, South Africa, Sudan and Thailand |
| June 26 | Rome, Italy | University of Rome-Tor Vergata, FAO | Public Agriculture Research: the Impact of IPRs on Biotechnology in Developing Countries | Officials and scientists |

²⁰ Office Ivoirien de la Propriété Industrielle.

²¹ Plant Research International.

| Date | Venue | Co-organizers, sponsors | Activities | Participants |
|-------------------|----------------------------------|---|---|---|
| June 30 | Ulan Bator, Mongolia | UNU/IAS ²² | In Search of Biosecurity: Best Practices, Awareness Raising & Capacity Building on Access to Genetic Resources, Benefit-Sharing and Biosafety in Central Asian Countries and Mongolia | Officials, scientists and breeders |
| July 1 to 3 | Santa Cruz de la Sierra, Bolivia | Latin-American Federation of Seed Associations and the Regional Seed Office of Santa Cruz de la Sierra | XVIII Pan-American Seed Seminar on "Transgenic Varieties: The Future" | Officials, breeders and lawyers |
| July 1 to 5 | Egoryevskay, Russian Federation | State Commission of the Russian Federation for Selection Achievements, Test and Protection, CIMMYT, GTZ | International Seminar "Cereal Varieties Testing on Their Distinction, Uniformity and Stability" | Officials, scientists and breeders from Russia and four Central Asian Countries |
| September 9 to 11 | Manaus, Brazil | National Institute of Industrial Property and the European Commission | International Seminar on the Role of Intellectual Property Protection in the Field of Biodiversity and Traditional Knowledge | Officials, scientists and environmentalists |

²² United Nations University/ Institute of Advanced Studies.