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

Geneva

**CONSULTATIVE COMMITTEE****Eighty-Fourth Session  
Geneva, October 31, 2012****OBSERVERS IN UPOV BODIES***Document prepared by the Office of the Union*

1. At its thirty-ninth ordinary session, on October 27, 2005, the Council adopted the "Rules Governing the Granting of Observer Status to States, Intergovernmental Organizations and International Non-Governmental Organizations in UPOV Bodies and Access to UPOV Documents" (the "Granting Rules"), as contained in the Annex to document C/39/13 (see [www.upov.int/en/about/members/pdf/Rules\\_Observer\\_Status\\_e.pdf](http://www.upov.int/en/about/members/pdf/Rules_Observer_Status_e.pdf)).

2. The purpose of this document is to consider the following matters concerning observers in UPOV bodies:

- I. New Observers in UPOV Bodies
- II. *Ad Hoc* Invitations
- III. Change of Statutes for international non-governmental observer organizations

**I. NEW OBSERVERS IN UPOV BODIES**

3. In accordance with the Granting Rules (see paragraph 2(e)(i) of the Granting Rules), the Office of the Union has, since the eighty-third session of the Consultative Committee, extended observer status to Ghana in the Technical Committee (TC) and in the Technical Working Parties (TWPs). The list of observers in UPOV bodies is reproduced in the Annex to this document.

*4. The Consultative Committee is invited to note the granting of observer status to Ghana in the Technical Committee (TC) and in the Technical Working Parties (TWPs).*

**II. AD HOC INVITATIONS**

5. The Granting Rules provide that "[t]he Consultative Committee will be informed, on a regular basis, of the list of observer States and organizations in UPOV bodies and *ad hoc* invitations to attend a particular session of a UPOV body" (Granting Rules, paragraph 5). At its seventy-seventh session, held in Geneva on April 3, 2009, the Consultative Committee agreed that the item "Granting of Observer Status to States, Intergovernmental Organizations and International Non-Governmental Organizations in UPOV Bodies and Access to UPOV Documents" should become a standard item for the October sessions of the Consultative Committee (see document CC/77/11 "Report", paragraph 56).

6. The Consultative Committee noted, at its seventy-eighth session held in Geneva on October 21, 2009, that a document entitled "Observers in UPOV Bodies" would be prepared for the October sessions of the Consultative Committee containing the list of observers in UPOV bodies, a report on *ad hoc* invitations to attend a particular session of a UPOV body and any request from intergovernmental and international non-governmental organizations for granting of observer status in UPOV bodies (see document CC/78/5, paragraph 3 and document CC/78/15 "Report", paragraphs 58 to 60). A list of observers in UPOV bodies was published on the UPOV website (see <http://www.upov.int/members/en/observers.html>) (see document CC/82/14 "Report on the Conclusions", paragraph 36 and document CC/83/4 "Access to UPOV documents and publication of information", paragraphs 20 and 21).

7. In accordance with the Granting Rules (see Granting Rules, paragraphs 2(a)(iii), 2(c)(iii) and 2(e)(iii)) the Consultative Committee is hereby informed that, since the eighty-second session of the Consultative Committee, experts from the following States/Organizations were issued with *ad hoc* invitations to attend:

(a) Ghana, Malaysia and Thailand to attend the forty-eighth session of the Technical Committee (TC), held in Geneva from March 26 to 28, 2012;

(b) Indonesia and Thailand to attend the forty-third session of the Technical Working Party for Fruit Crops (TWF), held in Beijing (China), from July 30 to August 3, 2012; and

(c) Indonesia; Philippines and Thailand to attend the forty-third session of the Technical Working Party for Ornamental Plants and Trees (TWO) held in Jeju (Republic of Korea), from August 6 to 10, 2012.

*8. The Consultative Committee is invited to note the ad hoc invitations issued to experts, as reported in paragraph 7 above.*

### III. CHANGE OF STATUTES FOR INTERNATIONAL NON-GOVERNMENTAL OBSERVER ORGANIZATIONS

9. The Council, at its forty-sixth ordinary session, to be held in Geneva on November 1, 2012, will be invited to consider document UPOV/INF/19/1 Draft 2, as the basis for the adoption of document UPOV/INF/19/1 "Rules Governing the Granting of Observer Status to States, Intergovernmental Organizations and International Non-Governmental Organizations in UPOV Bodies", being a revision of the Annex to document C/39/13.

10. Document UPOV/INF/19/1 Draft 2, paragraph 7, states that "The observer status of an international non-governmental organization will be reviewed if the statutes for that international non-governmental organization are changed. Each international non-governmental organization shall promptly notify the Office of the Union of any change to its statutes.". In that regard, the Office of the Union was informed by means of an electronic mail of August 9, 2012, from Ms. Susan Bragdon, Executive Director of the Association for Plant Breeding for the Benefit of Society (APBEBES), that

"The Association has tentatively approved a name change to "Seeds for All", but before we formalize through our General Assembly, we want to make sure we are okay as observers in October 2012. The statutes and purpose will remain unchanged except for the change of name."

11. The Office of the Union replied to Ms. Bragdon that the question of whether the name change from APBEBES to Seeds for All, with no other substantive changes to the purpose or statutes, would affect observer status would be a matter for members of the Union and would need to be considered at the forthcoming UPOV sessions. It was explained that the outcome could be communicated after the ordinary session of the UPOV Council, on November 1, 2012.

*12. The Consultative Committee is invited to consider whether the name change from APBEBES to Seeds for All, with no other substantive changes to the purpose or statutes, would affect the observer status of that organization.*

[Annex follows]

## ANNEX

## OBSERVERS IN UPOV BODIES

## 1. STATES

<i>State</i>	<i>*</i>	<i>Council</i>	<i>CAJ</i>	<i>TC</i>	<i>TWP</i>
Algeria	2	✓	✓	✓	
Armenia	1	✓	✓		
Bangladesh		✓			
Barbados	2	✓			
Bosnia and Herzegovina	1	✓	✓		
Burkina Faso	1	✓			
Burundi		✓			
Cambodia	2	✓			
Côte d'Ivoire	1	✓			
Cuba	2	✓			
Cyprus	2	✓			
Djibouti		✓			
Dominica		✓			
Egypt	1	✓	✓	✓	
El Salvador	2	✓			
Fiji		✓			
Gabon	1	✓			
Ghana	2	✓	✓	✓	✓
Greece		✓	✓		✓
Guatemala	1	✓		✓	
Guyana		✓			
Honduras	1	✓	✓		
India	1	✓	✓	✓	
Indonesia	2	✓			
Iraq	2	✓			
Iran, Islamic Republic of	2	✓			
Jamaica		✓			
Kazakhstan	1	✓	✓		
Lebanon		✓			
Libya	2	✓			
Luxembourg		✓			
Madagascar		✓			
Malawi		✓			
Malaysia	1	✓	✓		✓
Mauritius	1	✓	✓	✓	
Mongolia		✓			

\* 1: States which have initiated with the Council the procedure for becoming members of the Union.

2: States which have been in contact with the Office of the Union for assistance in the development of legislation on plant variety protection.

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<i>State</i>	<i>*</i>	<i>Council</i>	<i>CAJ</i>	<i>TC</i>	<i>TWP</i>
Montenegro	1	✓			
Pakistan	2	✓	✓		
Philippines	1	✓			
Saudi Arabia	2	✓	✓	✓	✓
Senegal	1	✓			
Serbia	1	✓	✓	✓	
Seychelles		✓			
Sri Lanka		✓			
Sudan	2	✓			
Suriname		✓			
Syrian Arab Republic		✓			
Tajikistan	1	✓	✓	✓	
Thailand	2	✓	✓		
Tonga	2	✓			
Turkmenistan	2	✓	✓		
Uganda		✓			
United Republic of Tanzania	2	✓	✓	✓	✓
Venezuela	1	✓	✓	✓	✓
Yemen		✓			
Zambia	2	✓			
Zimbabwe	1	✓	✓	✓	

## 2. INTERGOVERNMENTAL ORGANIZATIONS

<i>Intergovernmental organization</i>	*	<i>Council</i>	<i>CAJ</i>	<i>TC</i>	<i>TWP</i>
African Intellectual Property Organization (OAPI)	1	✓	✓	✓	✓
African Regional Intellectual Property Organization (ARIPO)	2	✓			
Andean Community		✓			
Bioversity International (former International Plant Genetic Resources Institute, IPGRI)		✓	✓	✓	✓
Consultative Group on International Agricultural Research (CGIAR)		✓			
European Free Trade Association (EFTA)		✓	✓		
European Patent Organisation (EPO)		✓	✓		
Food and Agriculture Organization of the United Nations (FAO)		✓		✓	
International Seed Testing Association (ISTA)		✓		✓	✓
Organisation for Economic Co-operation and Development (OECD)		✓		✓	✓
The World Conservation Union (IUCN)		✓			
United Nations Development Programme (UNDP)		✓			
United Nations Environment Programme (UNEP)		✓			
United Nations Industrial Development Organization (UNIDO)		✓			
World Bank		✓			
World Intellectual Property Organization (WIPO)		✓	✓		
World Trade Organization (WTO)		✓	✓		

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\* 1: Organizations which have initiated with the Council the procedure for becoming members of the Union.  
2: Organizations which have been in contact with the Office of the Union for assistance in the development of legislation on plant variety protection.

3. INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

<i>International non-governmental organization</i>	<i>Council</i>	<i>CAJ</i>	<i>TC</i>	<i>TWP</i>
African Seed Trade Association (AFSTA)	✓	✓	✓	✓
Association for Plant Breeding for the Benefit of Society (APBREBES)	✓	✓	✓	✓
Asia and Pacific Seed Association (APSA)	✓	✓	✓	✓
Association of European Horticultural Breeders (AOHE)	✓			
Biotechnology Industry Organization (BIO)	✓			
Committee of Agricultural Organizations in the European Union (COPA)	✓			
Committee of National Institutes of Patent Agents (CNIPA)	✓			
Committee of Nordic Industrial Property Agents (CONOPA)	✓			
CropLife International	✓	✓	✓	✓
European Coordination Via Campesina (ECVC)	✓	✓	✓	✓
European Federation of Agents of Industry in Industrial Property (FEMIP)	✓			
European Federation of Agricultural and Rural Contractors (CEETTAR)	✓			
European Federation of Pharmaceutical Industries' Associations (EFPIA)	✓			
European Seed Association (ESA)	✓	✓	✓	✓
General Committee for Agricultural Co-operation in the European Union (COGECA)	✓			
International Association for the Protection of Intellectual Property (AIPPI)	✓			
International Association of Horticultural Producers (AIPH)	✓	✓	✓	
International Chamber of Commerce (ICC)	✓			
International Commission for the Nomenclature of Cultivated Plants of the International Union for Biological Sciences (IUBS) (ICNCP)	✓			
International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA)	✓	✓	✓	✓
International Federation of Agricultural Producers (IFAP)	✓			
International Federation of Industrial Property Attorneys (FICPI)	✓			
International Seed Federation (ISF)	✓	✓	✓	✓
Seed Association of the Americas (SAA)	✓	✓	✓	✓
Union of European Practitioners in Industrial Property (UNION)	✓			
Union of Industrial and Employers' Confederations of Europe (UNICE)	✓			

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