



CC/86/7

ORIGINAL: English

DATE: September 25, 2013

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

CONSULTATIVE COMMITTEE

**Eighty-Sixth Session
Geneva, October 23, 2013**

OBSERVERS IN UPOV BODIES

Document prepared by the Office of the Union

Disclaimer: this document does not represent UPOV policies or guidance

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

I. OBSERVER STATUS IN UPOV BODIES.....	1
(a) Brunei Darussalam and Malaysia	2
(b) Committee of Nordic Industrial Property Agents (CONOPA).....	2
(c) International Federation of Agricultural Producers (IFAP)	2
II. <i>AD HOC</i> INVITATIONS	2
III. PARTICIPATION OF OBSERVERS IN THE ADMINISTRATIVE AND LEGAL COMMITTEE ADVISORY GROUP (CAJ-AG)	3
(a) Background	3
(b) Rules of procedure and rules for the granting of observer status.....	5
(c) Practice of the Administrative and Legal Committee (CAJ)	6
(i) <i>Administrative and Legal Committee Advisory Group (CAJ-AG)</i>	6
(ii) <i>Ad hoc Subgroup of Technical and Legal Experts on Biochemical and Molecular Techniques (“BMT Review Group”)</i>	7
(iii) <i>Ad hoc Working Group on Variety Denominations</i>	7
(iv) <i>Reporting to the Council</i>	8

ANNEX: OBSERVERS IN UPOV BODIES

I. OBSERVER STATUS IN UPOV BODIES

2. The “Rules Governing the Granting of Observer Status to States, Intergovernmental Organizations and International Non-Governmental Organizations in UPOV Bodies” (Granting Rules) (see http://www.upov.int/export/sites/upov/members/en/pdf/rules_observer_status.pdf) 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 8). 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).

3. 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). The list of observers in UPOV bodies is contained in the Annex to this document (see also <http://www.upov.int/members/en/observers.html>).

(a) Brunei Darussalam and Malaysia

4. In accordance with the Granting Rules (see paragraph 2(a)(i) and (d)(i) of the Granting Rules), the Office of the Union has, since the eighty-fourth session of the Consultative Committee, granted observer status to Brunei Darussalam in the Council and to Malaysia in the Technical Committee.

5. The Consultative Committee is invited to note the granting of observer status to Brunei Darussalam in the Council and to Malaysia in the Technical Committee.

(b) Committee of Nordic Industrial Property Agents (CONOPA)

6. On April 8, 2013, Mr. Pertti Järveläinen, General Secretary of the Committee of Nordic Industrial Property Agents (CONOPA), informed the Office of the Union that CONOPA wished to discontinue its observer status in the Council. In accordance with that request, CONOPA was removed from the list of observers in the Council.

7. The Consultative Committee is invited to note that, following its request, CONOPA was removed from the list of observers in the Council.

(c) International Federation of Agricultural Producers (IFAP)

8. The Office of the Union has been alerted that that the International Federation of Agricultural Producers (IFAP), which has observer status in the Council, is no longer in existence. IFAP was dissolved by a court judgment of November 4, 2010, of the French *Tribunal de Grande Instance de Paris*¹, which ordered the judicial liquidation of IFAP.

9. The Consultative Committee is invited to note that the International Federation of Agricultural Producers (IFAP) no longer exists and to agree to remove IFAP from the list of observers in the Council.

II. AD HOC INVITATIONS

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

(a) Cambodia, Lao People's Democratic Republic, Malaysia, and Thailand, to attend the forty-ninth session of the Technical Committee (TC), held in Geneva from March 18 to 20, 2013;

¹ Tribunal de Grande Instance de Paris, Procédures collectives, No. RG: 10/13970.

(b) Cambodia and Lao People's Democratic Republic, to attend the sixty-seventh session of the Administrative and Legal Committee (CAJ), held in Geneva on March 21, 2013;

(c) Lao People's Democratic Republic, to attend the thirtieth extraordinary session of the Council, held in Geneva on March 22, 2013;

(d) Cambodia, Indonesia, Philippines and Thailand to attend the forty-sixth session of the Technical Working Party for Ornamental Plants and Forest Trees (TWO), held in Melbourne, Australia, from April 22 to 26, 2013;

(e) Cambodia, Indonesia, Philippines and Thailand, to attend the forty-fourth session of the Technical Working Party for Fruit Crops (TWF), held in Napier, New Zealand, from April 29 to May 3, 2013;

(f) Cambodia, Indonesia, Philippines and Thailand, to attend the forty-seventh session of the Technical Working Party for Vegetables (TWV), held in Nagasaki, Japan, from May 20 to 24, 2013;

(h) Cambodia, Indonesia, Lao People's Democratic Republic, Myanmar and Philippines, to attend the sixty-eighth session of the Administrative and Legal Committee (CAJ), to be held in Geneva on October 21, 2013;

(i) Lao People's Democratic Republic and Myanmar, to attend the forty-seventh ordinary session of the Council, to be held in Geneva on October 24, 2013.

11. The Consultative Committee is invited to note the ad hoc invitations issued to experts, as reported in paragraph 10 above.

III. PARTICIPATION OF OBSERVERS IN THE ADMINISTRATIVE AND LEGAL COMMITTEE ADVISORY GROUP (CAJ-AG)

12. The Administrative and Legal Committee (CAJ), at its sixty-seventh session, held in Geneva on March 21, 2013, agreed to invite the Consultative Committee and the Council to provide guidance on the proposals concerning participation of observers in the Advisory Group of the Administrative and Legal Committee (CAJ-AG), as set out in paragraphs 25 to 27 of document CAJ/67/2 (see document CAJ/67/14 "Report on the Conclusions", paragraph 22).

13. The CAJ, at its sixty-seventh session, noted that the request by the representative of the Association for Plant Breeding for the Benefit of Society (APBREBES) to participate in the discussions on matters concerning observers would be transmitted to the Consultative Committee and the Council (see document CAJ/67/14 "Report on the Conclusions", paragraph 23).

14. The Consultative Committee, at its eighty-fifth session, held in Geneva on March 22, 2013, agreed to invite APBREBES to be present, at the relevant part of the item on observers in the program for its eighty-sixth session, in order to present its views on matters concerning the participation of observers in the CAJ-AG (see document CC/85/10 "Report on the Conclusions", paragraph 59).

(a) Background

15. The background to this request is set out in document CAJ/67/2 "Development of information materials concerning the UPOV Convention" and in document CAJ-AG/12/7/5 "Report", relevant paragraphs are reproduced below for ease of reference.

[Extract from document CAJ/67/2 "Development of information materials concerning the UPOV Convention", paragraph 25]

"25. The CAJ, at its sixty-fifth session, held in Geneva on October 29, 2012, noted the suggestion of the Association for Plant Breeding for the Benefit of Society (APBREBES) to include a limited number of permanent places for observers representing various stakeholder groups such as farmers, breeders and certain other observer non-governmental organizations (NGOs) (e.g. two per stakeholder group) in the CAJ-AG and to allow the stakeholder groups to coordinate on the persons to occupy those places at each

session of the CAJ-AG, according to the matters under consideration. It also noted the suggestion by APBREBES that those permanent places could be supplemented on an *ad hoc* basis, as considered appropriate by the CAJ-AG. The CAJ agreed to invite the CAJ-AG to consider that approach at its seventh session, in October 2012 (see document CAJ/65/12 "Report on the Conclusions" paragraph 23, underlining added for emphasis)

[Extract from document CAJ-AG/12/7/7 "Report", paragraphs 64 to 70]

"Participation of Observers in the CAJ-AG (document CAJ-AG/12/7/5) (CAJ-AG agenda item 7)

- *Introduction by the Office of the Union*

"64. The Office of the Union presented document CAJ-AG/12/7/5.

- *Presentation of views by APBREBES*

"65. The representative of APBREBES noted that her comments would deal more with matters of observer status in all UPOV bodies and not just in the CAJ-AG.

"66. The representative shared APBREBES views' that deliberations in all UPOV bodies were enhanced by the input from all those that were affected by, and interested in, plant variety protection. She noticed that stakeholder groups were underrepresented or often not represented, for instance, organizations representing farmers and, in particular, smallholder farmers.

"67. The representative encouraged UPOV and its bodies to actively seek a higher level of participation from farmers' organizations and from civil society in general.

"68. In relation to observer status in the CAJ-AG, after reflecting on APBREBES' initial proposal for a permanent status for particular stakeholder groups, she said that the new proposal of APBREBES would be to extend observer status that existed in the CAJ to the CAJ-AG. She noted that the new proposal would be simpler, more efficient and less bureaucratic. [underlining added for emphasis]

"69. The representative referred to the questions in document CAJ-AG/12/7/5 and noted that, if a decision was taken to extend observer status from the CAJ to the CAJ-AG, answers to those questions would not be necessary.

"70. The representative made reference to APBREBES' initial proposal and commented on the questions in document CAJ AG/12/7/5 as follows:

'(a) the number of permanent places for observers;

The number of places should be considered as a minimum and not as a maximum. The burden should then be on the UPOV body itself to actively seek the participation of underrepresented groups. Of interest particularly to APBREBES was to have permanent representation for the organizations that represent the interests of farmers and smallholder farmers, and civil society in general.

'(b) the definition of the stakeholder groups;"

APBREBES would like to see that organizations, which represented the interests of smallholder farmers and farmers, be represented by permanent places in the CAJ-AG.

'(c) the basis on which it would be decided that an observer organization would represent a stakeholder group;"

In terms of the basis upon which it would be decided which organization would represent a stakeholder group, APBREBES view was that, if there were not a limited number of places, the basis would be the expression of interest by that organization. The burden should be on UPOV to actually seek and actively solicit that kind of input.

'(d) the basis on which to resolve situations where individual observer organizations from within a stakeholder group wished to be represented individually;"

In terms of how to resolve situations when there were multiple organizations wanting to represent a stakeholder group, the practice in other intergovernmental bodies was that those organizations were allowed to determine that among themselves. The places could be interchangeable according to the subject matter that was being discussed. APBREBES would recommend that the CAJ-AG followed the practices in other intergovernmental bodies.

(e) the basis for supplementing the permanent places on an *ad hoc* basis.”

In relation to the question on the basis for supplementing permanent places, APBREBES noted that civil society organizations had a good history of coordinating among themselves and organizing representation.”

[Extract from document CAJ/67/2 “Development of information materials concerning the UPOV Convention”, paragraphs 26 to 27]

“26. The CAJ-AG, at its seventh session, considered document CAJ-AG/12/7/5 and the views of APBREBES (see document CAJ-AG/12/7/6 “Report on the conclusions”, paragraph 30).

“27. With regard to the request of the CAJ, at its sixty-fifth session, for the CAJ-AG to consider the suggestion to include a limited number of permanent places for observers representing various stakeholder groups such as farmers, breeders and certain other observer non-governmental organizations (NGOs) in the CAJ-AG and to allow the stakeholder groups to coordinate on the persons to occupy those places at each session of the CAJ-AG, according to the matters under consideration, the CAJ-AG noted that document UPOV/INF/7 “Rules of Procedure of the Council”, Rules 36 and 20, states as follows:

“Rule 36: Establishment of Committees

“(1) The Council may set up permanent or temporary committees to prepare its work or to examine technical, legal or any other questions of interest to UPOV.

“(2) When setting up any committees, the Council shall establish the terms of reference of that committee and shall determine whether and to what extent observers will be invited to the meetings of the committee; the Council may, at any time, decide changes in the initial terms of reference and in the decision concerning observers.”

“Rule 20: Observers and Experts

“(1) Observers and experts may take part in debates at the invitation of the chairman.

“(2) They may not submit proposals, amendments or motions, and have no right to vote.”

(see document CAJ AG/12/7/6 “Report on the conclusions”, paragraph 31).

“28. The CAJ-AG agreed that it, in that context, the CAJ-AG should seek further guidance from the CAJ before making a proposal (see document CAJ AG/12/7/6 “Report on the conclusions”, paragraph 32).”

(b) Rules of procedure and rules for the granting of observer status

16. In relation to observers and experts, document UPOV/INF/7 “Rules of Procedure of the Council”, Rule 20, states as follows:

“Rule 20: Observers and Experts

“(1) Observers and experts may take part in debates at the invitation of the chairman.

“(2) They may not submit proposals, amendments or motions, and have no right to vote.”

17. In relation to the establishment of committees, document UPOV/INF/7 “Rules of Procedure of the Council”, Rule 36, states as follows:

“Rule 36: Establishment of Committees

“(1) The Council may set up permanent or temporary committees to prepare its work or to examine technical, legal or any other questions of interest to UPOV.

“(2) When setting up any committees, the Council shall establish the terms of reference of that committee and shall determine whether and to what extent observers will be invited to the meetings of the committee; the Council may, at any time, decide changes in the initial terms of reference and in the decision concerning observers.”

18. The UPOV Organigram and the Terms of Reference and Composition of the UPOV Bodies and a Brief History of their Development can be found at <http://www.upov.int/about/en/organigram.html>

19. The terms of reference of the CAJ were adopted by the Council, at its eleventh ordinary session on December 9, 1977, on the basis of the following recommendation by the Consultative Committee, at its sixteenth session, on December 9, 1977:

“19. The Committee held a lengthy discussion on the list of Committees or other bodies of UPOV. It finally decided to propose a reorganization of the activities of the UPOV bodies in the following manner:

“(i) The Council— established by the Convention—and its Consultative Committee would continue their activities as at present.

“(ii) Matters of a technical nature would be dealt with by the Technical Steering Committee, whose name it was proposed to change to ‘Technical Committee’ in view of its enlarged activities, and by the Technical Working Parties under the guidance and supervision of the first-mentioned Committee.

“(iii) All other matters, mainly of an administrative and legal nature (but concerning also finance and policy matters), would be dealt with by a body provisionally called ‘Administrative and Legal Committee’ which would be free to establish subgroups for the consideration of special questions.” (underlining added for emphasis)

(see documents C/XI/21 “Report”, paragraph 58, and CC/XVI/5 “Report”, Geneva, December 5 and 9, 1977, paragraph 19 (iii))

20. The “Rules governing the granting of observer status to States, intergovernmental organizations and international non-governmental organizations in UPOV bodies” (see document UPOV/INF/19/1, paragraph 2(c)), provide the following in relation to the CAJ:

“(c) Administrative and Legal Committee (CAJ)

(i) The Office of the Union is authorized to grant observer status to additional States, which have been granted observer status to the Council, if they have officially expressed an interest in participating in the sessions of the CAJ.

(ii) The Consultative Committee decides on the intergovernmental and international non-governmental organizations to be granted observer status.

(iii) Where agreed by the President of the Council, the Chair of the CAJ and the Office of the Union, an *ad hoc* invitation may be made to an intergovernmental or international non-governmental organization to attend a particular CAJ session. Such invitations will subsequently be reported to the Consultative Committee.

(c) Practice of the Administrative and Legal Committee (CAJ)

(i) *Administrative and Legal Committee Advisory Group (CAJ-AG)*

21. The CAJ, at its fifty-second session, held in Geneva on October 24, 2005, agreed an approach for the preparation of information materials concerning the UPOV Convention, as explained in paragraphs 8 to 10 of document CAJ/52/4 (see below) and to the establishment of an advisory group to the CAJ (“CAJ-AG”) to assist in the preparation of documents concerning such materials, as proposed in paragraphs 11 to 14 of document CAJ/52/4.

22. The agreed approach for the preparation of information materials concerning the UPOV Convention is summarized as follows: the Office of the Union will develop certain draft materials which it considers covers aspects of a straightforward nature and will circulate these to the CAJ, for comments within a specified time. In other cases where it is considered that there are difficult issues, where discussions at a CAJ session would be important for the development of suitable information materials, and also in cases where the drafts on seemingly straightforward materials provoked unexpected concerns when circulated for comments, it was agreed that the assistance of the CAJ-AG would be sought prior to the CAJ being invited to discuss those matters at its sessions (see document CAJ/52/4 “Explanatory notes on the 1991 Act of the UPOV Convention”, paragraphs 9 to 14, and document CAJ/52/5 “Report”, paragraph 67)

23. The terms of reference of the CAJ-AG provided that “[t]he CAJ members and observers would be able to send comments directly to the advisory group. [...]. Observer organizations, in particular those representing the interests of breeders, might be invited by the advisory group to present their views on a

particular provision of the 1991 Act to assist in [its] work” (see document CAJ/52/4, paragraphs 13 and 14, and document CAJ/52/5 “Report”, paragraph 67).

24. The CAJ, at its sixty-fifth session, noted the arrangements concerning the posting of CAJ-AG documents and comments, and the *ad hoc* invitations to observer organizations, as set out in document CAJ/65/2, paragraphs 33 to 36, and noted in particular the following:

(a) In order to ensure that the CAJ-AG had sufficient time to consider written comments, the CAJ-AG had agreed that comments should be sent, in English, to the Office of the Union at least two weeks prior to the relevant session of the CAJ-AG; and

(b) The CAJ-AG had agreed that, in cases where written comments were received from an observer organization, the CAJ-AG would invite the observer organization to the relevant part of the next CAJ-AG session if the presence of the organization was considered necessary to present its views or to provide further explanations concerning its written comments. In that regard, the CAJ-AG had agreed that the CAJ-AG would, if necessary, decide by correspondence whether to invite the observer organization to the relevant part of the CAJ-AG session.

25. Since its establishment, the CAJ-AG has invited the following organizations, to the relevant part of CAJ-AG sessions in order to enable them to present their views on relevant matters: the Association for Plant Breeding for the Benefit of Society (APBREBES), the European Coordination Via Campesina (ECVC), the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA) and the International Seed Federation (ISF) (see document CAJ-AG/12/7/7 “Report”, paragraph 2).

(ii) *Ad hoc Subgroup of Technical and Legal Experts on Biochemical and Molecular Techniques (“BMT Review Group”)*

26. The terms of reference of the BMT Review Group provides as follows:

“1. The [BMT Review Group] should assess possible application models proposed by the Technical Committee, on the basis of the work of the BMT and crop subgroups, for the utilization of biochemical and molecular techniques in the examination of Distinctness, Uniformity and Stability in relation to the following:

(a) conformity with the UPOV Convention, and

(b) potential impact on the strength of protection compared to that provided by current examination methods and advise if this could undermine the effectiveness of protection offered under the UPOV system.

“2. In conducting its assessment, the BMT Review Group may refer specific aspects to the [Administrative and Legal] Committee or the Technical Committee for clarification or further information as considered appropriate.

“3. The [BMT Review Group] will report its assessment, as set out in paragraph 1 above, to the [Administrative and Legal] Committee, but this assessment will not be binding for the position of the [Administrative and Legal] Committee.”

(reproduced from document TC/38/14-CAJ/45/5 “Ad Hoc Subgroup of Technical and Legal Experts on Biochemical and Molecular Techniques (“The BMT Review Group”)), paragraph 4).

27. In order to assist in its work, the BMT Review Group has invited CIOPORA and ISF to express their views at the relevant meetings of the BMT Review Group (see reports of meetings in 2002, 2006 and 2009, documents BMT-RG/Apr02, BMT-RG/Apr06/2, BMT-RG/Apr09/3).

(iii) *Ad hoc Working Group on Variety Denominations*

28. At its forty-fourth session, held in Geneva on October 22 and 23, 2001, the CAJ agreed the following terms of reference for the *Ad hoc* Working Group on Variety Denominations:

“(i) the working group, based on its experience and the replies received by UPOV Contracting Parties and FIS [International Seed Trade Federation], will identify key concepts of the UPOV Convention and UPOV Recommendations on Variety Denominations that required further clarification. It will also find

out any conflict or different approach between the UPOV Recommendations on Variety Denominations and other national or regional rules and guidelines, including the European Community Regulations;

“(ii) the working group will study the relationship and impact of the variety denomination system under the UPOV Convention and the intellectual property system; this will include situations whereby a trademark is a prior right of a third party and, also the cases whereby the holder of a trademark and the variety denomination are the same;

“(iii) in conducting its assessment, the working group will explore solutions already adopted at national or regional level and will evaluate their suitability as a harmonized approach for UPOV Contracting Parties;

“(iv) the working group will recommend a set of guidelines to encourage harmonized decisions on variety denominations and, if it is deemed necessary, propose changes to the UPOV Recommendations on Variety Denominations;

“(v) the working group will report its assessment and recommend a course of action to the Committee. The Committee will then consider the recommendations proposed by the working group.”

(see documents CAJ/44/3 “Variety Denominations”, paragraph 11, and CAJ/49/9 “Report”, paragraph 24).

29. In 2002, the Office of the Union was approached by Mr. Piers Trehane, Rapporteur, International Code of Nomenclature for Cultivated Plants of the International Commission for the Nomenclature of Cultivated Plants of the International Union for Biological Sciences (IUBS Commission) who was at the time drafting proposals for a revision of the International Code. In the interest of promoting harmonization, Mr. Trehane was invited to participate in the relevant meetings of the *Ad hoc* Working Group on Variety Denominations. The IUBS Commission has only observer status in the Council. The Working Group also agreed to invite CIOFORA and ISF to express its views at the relevant meetings (see Reports of the Working Group, WG-VD/2/2 Rev., paragraphs 1 and 7, WG-VD/3/4WG-VD/4/4, WG-VD/5/4, WG-VD6/3, WG-VD/7/4 and WG-VD/8/3).

(iv) Reporting to the Council

30. In each ordinary session, the Council is invited to note the current year’s work of the CAJ and to approve the work program for the next session of the CAJ. The report and work program includes information on the establishment of subgroups, if appropriate, and progress on the work of those groups to assist the CAJ (see document C[xx]/9 “Progress report of the work of the Administrative and Legal Committee”. The same procedure exists for the Technical Committee and Technical Working Parties (see document C/[xx]/10 “Progress report of the work of the Technical Committee, the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular”).

(d) Matters for consideration

31. In accordance with the terms of reference of the CAJ, the CAJ was given the mandate by the Council “to establish subgroups for the consideration of special questions” (see paragraph 19, above).

32. The practice of the subgroups established by the CAJ, for example, CAJ-AG, BMT Review Group, *Ad hoc* Working Group on Variety Denominations (see paragraphs 21 to 29, above), illustrate that matters concerning participation of experts/organizations in the relevant parts of the meetings of the subgroups have been decided by the subgroup itself and reported to the CAJ, which in turn reports to the Council (see paragraph 30, above).

33. *The Consultative Committee is invited to:*

(a) consider the arrangements concerning the participation of experts/observers to contribute to the work of subgroups established by the CAJ;

(b) consider whether the request by APBEBES should be addressed by the Consultative Committee, the CAJ or the CAJ-AG; and, if it concludes that the matter should be considered by the Consultative Committee:

(c) *consider the*

(i) initial proposal by APBREBES to include a limited number of permanent places for observers representing various stakeholder groups such as farmers, breeders and certain other observer non-governmental organizations (NGOs) in the CAJ-AG, to allow the stakeholder groups to coordinate on the persons to occupy those places at each session of the CAJ-AG, according to the matters under consideration. and to allow those permanent places to be supplemented on an ad hoc basis, as considered appropriate by the CAJ-AG (see paragraph 15, above); and

(ii) subsequent proposal by APBREBES to extend the observer status that exists in the CAJ to the CAJ-AG .

[Annex follows]

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	✓	✓		
Brunei Darussalam	2	✓			
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	1	✓	✓	✓	✓
Greece		✓	✓		✓
Guatemala	1	✓		✓	
Guyana		✓			
Honduras	1	✓	✓		
India	1	✓	✓	✓	
Indonesia	2	✓			
Iran, Islamic Republic of	2	✓			
Iraq	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.

CC/86/7
Annex, page 2

<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	✓			
Seychelles		✓			
Sri Lanka		✓			
Sudan	2	✓			
Suriname		✓			
Syrian Arab Republic		✓			
Tajikistan	1	✓	✓	✓	
Thailand	2	✓	✓		
Tonga	2	✓			
Turkmenistan	2	✓	✓		
Uganda		✓			
United Republic of Tanzania	1	✓	✓	✓	✓
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)		✓	✓		

* 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)	✓			
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)	✓			

[End of Annex and of document]