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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

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CONSULTATIVE COMMITTEE

**Eighty-Eighth Session
 Geneva, October 15, 2014**

OBSERVERS IN UPOV BODIES

Document prepared by the Office of the Union

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

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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>).

II. AD HOC INVITATIONS

4. 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-sixth session of the Consultative Committee, experts from the following States/Organizations were issued with *ad hoc* invitations:

(a) the African Regional Intellectual Property Organization (ARIPO) to attend the fiftieth session of the Technical Committee (TC), held in Geneva from April 7 to 9, 2014, the sixty-ninth session of the Administrative and Legal Committee (CAJ), held in Geneva on April 10, 2014, and the seventieth session of the CAJ to be held on October 13, 2014;

(b) the Islamic Republic of Iran to attend the fiftieth session of the TC and the sixty-ninth session of the CAJ;

(c) Senegal to attend the fiftieth session of the TC and the sixty-ninth session of the CAJ;

(d) the Philippines and Thailand to attend the forty-seventh session of the Technical Working Party for Ornamental Plants and Forest Trees (TWO), held in Naivasha, Kenya, from May 19 to 23, 2014; and

(e) the Philippines and Thailand to attend the forty-fifth session of the Technical Working Party for Fruit Crops (TWF), held in Marrakesh, Morocco, from May 26 to 30, 2014.

5. The Consultative Committee is invited to note the ad hoc invitations issued to experts, as reported in paragraph 4 above.

III. FRIENDS WORLD COMMITTEE FOR CONSULTATION (FWCC)

6. The Consultative Committee, at its eighty-sixth session, held in Geneva on October 23 and 24, 2013, considered documents CC/86/12 "Request of the Friends World Committee for Consultation (FWCC)" and CC/86/12 Add. "Addendum to Request of the Friends World Committee for Consultation (FWCC)".

7. The Consultative Committee, at its eighty-sixth session, agreed that, in accordance with paragraph 2, 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), the request of the Friends World Committee for Consultation (FWCC) for the granting of observer status to the Council and to the CAJ could not be considered further until it demonstrated its "competence in areas of direct relevance in respect of matters governed by the UPOV Convention". In that regard, it agreed to invite FWCC, upon request, to be present, at the relevant part of the item on observers in the program for its eighty-eighth session in October 2014, in order to explain how its statutes provided the basis to determine "competence in areas of direct relevance in respect of matters governed by the UPOV Convention" see document CC/86/15 "Report", paragraph 78).

8. The invitation of the Consultative Committee to be present, upon request, at the relevant part of the item on observers in the program for its eighty-eighth session was communicated to FWCC on October 24, 2013. On July 29, 2014, FWCC expressed its "wish to appear at the Consultative Committee at its eighty-eighth session to present evidence of its competence in these matters".

9. The Consultative Committee is invited to consider the information to be provided by FWCC, at its eighty-eighth session, in relation to the FWCC request for the granting of observer status to the Council and to the CAJ (see documents CC/86/12 "Friends World Committee for Consultation (FWCC)" and CC/86/12 Add. "Addendum to Request of the Friends World Committee for Consultation (FWCC)").

IV. SOUTH CENTRE

10. The Consultative Committee, at its eighty-sixth session, considered document CC/86/13 "Request of the South Centre".

11. In relation to the request of the South Centre for the granting of observer status to the Council and to the CAJ, the Consultative Committee, at its eighty-sixth session, agreed to invite the South Centre to be present, at the relevant part of the item on observers in the program for its eighty-eighth session in October 2014, in order to explain how its constituent treaty provided the basis to determine "competence in areas of direct relevance in respect of matters governed by the UPOV Convention" (see document CC/86/15 "Report", paragraph 78).

12. The invitation of the Consultative Committee to be present at the relevant part of the item on observers in the program for its eighty-eighth session was communicated to the South Centre on October 24, 2013, and the invitation was sent on July 11, 2014. On September 26, 2014, the South Centre accepted the invitation of the Consultative Committee to be present at the Consultative Committee, at its eighty-eighth session, "to present the request of the South Centre to be an observer" in the Council and the CAJ.

13. The Consultative Committee is invited to consider the information to be provided by the South Centre, at its eighty-eighth session, in relation to the request of the South Centre for the granting of observer status to the Council and to the CAJ (see document CC/86/13 "Request of the South Centre").

V. WORLD FARMERS' ORGANISATION (WFO)

14. The request of the World Farmers' Organisation (WFO) for the granting of observer status in the Council, the Administrative and Legal Committee (CAJ) and the Technical Committee (TC) of UPOV is contained in document CC/88/15 "Request of the World Farmers' Organisation (WFO)".

[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	✓	✓		
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.

<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 Regional Intellectual Property Organization (ARIPO)	1	✓			
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]