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UPOV

C/XIII/8

ORIGINAL: French

DATE: August 22, 1979

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

GENEVA

COUNCIL

**Thirteenth Ordinary Session  
Geneva, October 17 and 18, 1979**PROGRESS REPORT ON THE WORK OF THE  
ADMINISTRATIVE AND LEGAL COMMITTEEprepared by the Office of the Union

1. Since the twelfth ordinary session of the Council, the Administrative and Legal Committee (hereinafter referred to as "the Committee") has held one session only, namely, the third session on April 24 and 25, 1979.

2. The Committee concentrated mainly on the following subjects: implementation of the UPOV Model Agreement for International Cooperation in the Testing of Varieties, adopted by the Council at its ninth ordinary session, in October 1975; future development of the Union; means of facilitating work in plant variety protection matters.

Implementation of the UPOV Model Agreement for International Cooperation in the Testing of Varieties

3. The Committee considered the systems applied by member States for the fees paid by applicants in the case of cooperation in examination and for the considerations paid by the authority receiving the examination report to the authority which had established that report. This activity led to the preparation of a draft Recommendation on Fees in Relation to Cooperation in Examination, on which work will be continued.

4. The Committee prepared two further UPOV Model Forms reproduced in Annexes I and II to this document:

(i) the UPOV Model Form for the Invoicing of Examination Costs;

(ii) the UPOV Model Form for the Designation of the Sample of the Variety, which would be transformed into a national form only by those States that considered such a form useful or indispensable.

Future Development of the Union

5. In pursuance of the specific mandate given to it by the Council at the latter's twelfth ordinary session (see document C/XII/15, paragraph 11), the Committee started the examination of various possibilities offered to member States for closer cooperation in the field of plant variety protection, including further harmonization of national legislations in that field.

Means of Facilitating Work in Plant Variety Protection Matters

6. The Committee established a UPOV Model Plant Breeders' Rights Gazette, to serve as a guide for the publication of national plant breeders' rights gazettes, mainly for States starting publication of a gazette or of a new type of gazette. The UPOV Model Plant Breeders' Rights Gazette was published in document UPOV/INF/5.

7. The Committee established a UPOV Form for the Transmittal of Observations on a Submitted Variety Denomination, to be used by the authority of a member State when transmitting to the authority of another member State observations on a variety denomination submitted to the latter and published by the latter in its plant breeders' rights gazette. The UPOV form in question, which replaces the UPOV Form for the Transmittal of Objections to a Submitted Variety Denomination, is reproduced in Annex III to this document.

Program of Future Activities

8. Subject to the decisions of the Council, the Committee will continue its activities on the main subjects described in paragraph 2 above, consideration of the development of the Union being given priority, and will also undertake the examination of a UPOV Model Plant Variety Protection Law.

9. The Council is invited:

(i) to take note of the Committee's past work;

(ii) to take the necessary decisions on the Committee's work, in particular with a view to ensuring the continuation of the Committee's activities.

[Annexes follow]

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## ANNEX I

UPOV MODEL FORM FOR THE INVOICING OF  
EXAMINATION COSTS<sup>1</sup>

We are charging you the following for the examination reports relating to the following varieties transmitted to you:

herewith

under separate cover

Your application number	Your Denomination/ Breeders' Reference	Type of report	Consideration
<i>Triticum aestivum</i> (Wheat)			
E 431	T 34	Final	• 225£ + 175£ = 400£
E 456	Dabo	Final	175£
E 500	W 123	Interim	225£
<i>Hordeum vulgare</i> L. (Barley)			
B 12	Flora	Final	700 DM x 2 = 1.400 DM
B 15	Fauna	Final	1.400 DM
B 16	M 5	Interim	700 + 200* = 900
B 19	M 7	Interim	900**
<i>Rosa</i> L. (Rose)			
R 15	Beauty	Final	1200
			Total:

## Remarks:

\* Special test on .....

\*\* Including cost of special test on .....

Conditions and mode of payment: [To be filled in by each member State]

Date

Signature

[Annex II follows]

<sup>1</sup> Sample entries have been included (*in italics*) in the table by way of illustration.

UPOV MODEL FORM FOR THE DESIGNATION OF THE SAMPLE OF THE VARIETY

1. Model Accompanying Letter<sup>1</sup>

According to our information, the examination for distinctness, homogeneity and stability of the variety mentioned in the attached form

- has already been performed
- is being performed
- is to be performed

on the basis of an earlier application filed in [other State] .....

It is our intention to decide on the application for protection/inclusion in the national list on the basis of the said examination for distinctness, homogeneity and stability and of the identity sample submitted for that purpose, and we would appreciate your assistance in returning the attached form duly signed

by [date] .....

Failure to return the attached form by that date will mean that the variety will be the subject of a separate examination, for which the normal examination fee will be charged.

2. Form<sup>2</sup>

- Application for  protection  
 inclusion in the national list

Application Number:  
Filing Date:  
Denomination/Breeder's Reference:  
Species:

DESIGNATION OF IDENTITY SAMPLE

I/We have taken note that the decision on the above-mentioned application will be based on the examination for distinctness, homogeneity and stability performed by the authority of [State] ..... on the basis of the application No. .... of [date] .....

- for  protection  
 inclusion in the national list

filed in [State] .....

I/We designate the sample already submitted in connection with that application as the sample to be submitted in connection with the above-mentioned application.

.....  
 [Place] [Date]  
 .....  
 [Signature]

Name and Address of Signatories:

[Annex III follows]

<sup>1</sup> To be sent to the person to whom all correspondence is to be sent (mentioned in item 2 of the UPOV Model Form for the Application for Plant Breeders' Rights).

<sup>2</sup> To be filled in by the competent authority and to be signed by the applicant or by the person authorized by the applicant.

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ANNEX III/ANNEXE III/ANLAGE III

## UPOV FORM/FORMULAIRE DE L'UPOV/UPOV-FORMBLATT

From/De/Von

Your ref./Votre réf./Ihr Zeichen

Our réf./Notre réf./Unser Zeichen

Observations on a Submitted Variety Denomination Observations sur une dénomination variétale déposée Bemerkungen zu einer angemeldeten Sortenbezeichnung
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To/A/An

Variety Denomination:  
 Dénomination variétale:  
 Sortenbezeichnung:

\_\_\_\_\_

Species (Latin name):  
 Espèce (nom latin):  
 Art (botanische  
 Bezeichnung):

\_\_\_\_\_

Bulletin:  
 Amtsblatt:

(Year/Année/Jahr) (Month/Mois/Monat) (Page/Seite)

Applicant:  
 Demandeur:  
 Anmelder:

\_\_\_\_\_

Observations:  
 Bemerkungen:

If the observations refer to a trademark or another right, name and address of the holder thereof (if possible):  
 Si les observations se réfèrent à une marque de fabrique ou à un autre droit, nom et adresse de son titulaire (si possible):  
 Falls sich die Bemerkungen auf ein Warenzeichen oder ein anderes Recht beziehen, Name und Anschrift des Inhabers (falls möglich):

Copies to the competent authorities of the other UPOV member States.  
 Copies aux services compétents des autres Etats membres de l'UPOV.  
 Kopien an die zuständigen Behörden der anderen UPOV-Verbandsstaaten.

Date/Datum:

Signature/Unterschrift:

[End of document/  
 Fin du document/  
 Ende des Dokuments]