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To: "[Kitisri Sukhapinda \(Kitisri.Sukhapinda@USPTO.GOV\)](#)"; luis.salaices@magrama.es; [Button, Peter](#)
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Subject: CIOPORA comments to UPOV on the Draft ARIPO Protocol on PBR
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Attachments: [CIOPORA comments to UPOV on the Draft ARIPO Protocol on PBR_21-03-2014.pdf](#)

Hamburg, 21 March 2014

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

Ms. Kitisri Sukhapinda, President of the Council
Mr. Luis Salaices, Vice-President of the Council
Mr. Peter Button, Vice Secretary-General

34, chemin des Colombettes
CH-1211 Genève 20

SWITZERLAND

Dear Ms. Sukhapinda,
Dear Sirs,

For the preparation of the next meeting of the Consultative Committee and the Council please find attached our comments on the Draft ARIPO Protocol on PBR.

We would kindly like to ask you to share our comments with the members of the Consultative Committee and the Council as well as with the office of ARIPO.

With kind regards,

Dr. Edgar Krieger
Secretary General

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW
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Consultative Committee and COUNCIL

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Hamburg, 21 March 2014

CIOPORA comment on the Draft ARIPO Protocol for the protection of new varieties of plants

Dear members of the Consultative Committee and the Council,

CIOPORA appreciates it that ARIPO has submitted its Draft Protocol for the protection of new varieties of plants to UPOV and has requested the examination for conformity with the UPOV 1991 Act.

After studying the Draft Protocol submitted to UPOV by letter dated 06 March 2014, CIOPORA considers the Draft Protocol in general as being conform with the UPOV 1991 Convention. CIOPORA agrees to the general conclusions of the Office of UPOV in number 41 on page 7 of document C (Extr.)/3/2.

CIOPORA is looking forward to the entry into force of the ARIPO Protocol and expresses its hope that all members of ARIPO ratify or accede to the Protocol soon, so that the Plant Breeders' Rights titles granted by ARIPO are valid in the territory of all of its member states.

In respect to Article 35 of the Draft Protocol CIOPORA would like to underline that the effective enforcement of the breeders' right is a key element in the UPOV system, required by Article 30 (1) (i) of the UPOV 1991 Act. It is suggested that the ARIPO members, which ratify or accede to the Protocol, submit a detailed overview of the enforcement instruments in their country. Such instruments should be in line with the requirements listed in the UPOV Explanatory Notes on the Enforcement of Breeders' Rights under the UPOV Convention (UPOV/EXN/ENF).

CIOPORA kindly asks the Consultative Committee and the Council to take note of these comments and to notify the ARIPO accordingly.

Respectfully yours,

CIOPORA



Dr. Edgar Krieger
Secretary General