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UPOV

INTERNATIONALER VERBAND
ZUM SCHUTZ VON
PFLANZENZÜCHTUNGEN

UNION INTERNATIONALE
POUR LA PROTECTION
DES OBTENTIONS VÉGÉTALES

INTERNATIONAL UNION
FOR THE PROTECTION OF
NEW PLANT VARIETIES

COUNCIL

Fourth Session

Geneva, October 28 and 29, 1970

LETTER FROM THE PRESIDENT AND THE SECRETARY GENERAL OF
IAPIP (INTERNATIONAL ASSOCIATION FOR THE PROTECTION OF
INDUSTRIAL PROPERTY) TO THE SECRETARY GENERAL OF UPOV,
DATED OCTOBER 23, 1970

We have the honor to communicate to you herewith
the Resolution which was unanimously adopted by IAPIP at
its meeting on October 22, 1970.

Accept, Sir, the assurances of our highest con-
sideration.

/End of UPOV/C/IV/12
Annex follows./

AIPPI

Asociación Internacional
para la Protección de la
Propiedad Industrial

COMISION ORGANIZADORA DE LA
REUNION DEL COMITE EJECUTIVO DE LA AIPPI
Miguel Angel, 21 - Madrid-19 (España) - Tel. 510 04 53

1978 octubre 1978

Working Group for Question 51 B

P R O P O S A L O F R E S O L U T I O N

The Executive Committee of AIPPI welcomes the increased and improved possibilities for protecting new plant varieties brought about by the Convention for the Protection of New Varieties of Plants of 1961 which entered into force in 1968.

However, the reports of various national groups of AIPPI make it evident that there is concern as to the interpretation of art. 13 (9) of the Plant Variety Convention.

It seems that it has been interpreted to mean that the producer or seller of a new variety is entitled to add a trade mark to the denomination of a variety, only if that trade mark is used for a range of varieties originating from him.

After careful consideration the Executive Committee has ^{unanimously} reached the conclusion that this is not the proper interpretation.

The word "product" in art. 13 (3) and (9) means any merchandise sold under a trade mark and in case of art. 13 (9) is wide enough to include a single plant variety. When a category of products is involved the words "species" and "genus" are used in the Plant Variety Convention.

The aim of art. 13 (9) is to preserve the basic right of any trade mark owner to use a trade mark for a particular product, just as much as he would be entitled to use it for a range of products, which includes the particular product.

AIPPI

Asociación Internacional
para la Protección de la
Propiedad Industrial

COMISION ORGANIZADORA DE LA
REUNION DEL COMITE EJECUTIVO DE LA AIPPI
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18-23 octubre 1970

Moreover any prohibition against the use of a trade mark for a single variety only, would contravene art. 7 of the Industrial Property Convention, wherever use or intention to use is prerequisite for a valid trade mark registration.

The Executive Committee of AIPPI accordingly draws this matter to the attention of the Council of UPOV and asks it to take such measures as may be appropriate.

/End of UPOV/C/IV/2/