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UPOV/C/IV/6
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INTERNATIONALER VERBAND
ZUM SCHUTZ VON
PFLANZENZÜCHTUNGEN

UNION INTERNATIONALE
POUR LA PROTECTION
DES OBTENTIONS VÉGÉTALES

INTERNATIONAL UNION
FOR THE PROTECTION OF
NEW PLANT VARIETIES

TECHNICAL AND ADMINISTRATIVE COOPERATION
BETWEEN UPOV AND BIRPI

Report by the Secretary General

1. It is recalled that Article 25 of the Convention for the Protection of New Varieties of Plants provides for rules to be laid down on the procedures for technical and administrative cooperation between the Union for the Protection of New Varieties of Plants (UPOV) and the Unions administered by the United International Bureaux for the Protection of Intellectual Property (BIRPI). These rules shall be established by the Government of the Swiss Confederation in agreement with the Unions concerned.
2. Reference is made to the Minutes of the third meeting of the Council, October 8 and 9, 1969 (CPU Doc. 20, paragraphs 7-12).
3. At this meeting the Council unanimously agreed on the rules proposed in the draft arrêté (CPU Doc. 8) as amended by CPU Doc. 17, concerning the said procedure.
4. On October 21, 1969, the Government of the Swiss Confederation approved by arrêté the rules of procedure, which had been previously agreed on by the Interunion Coordination Committee of BIRPI.
5. Consequently these rules have now entered into force. The rules are contained in the attached document.

6. Attention is being drawn to the fact that by virtue of the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967, BIRPI will disappear sooner or later to be succeeded by WIPO, and that, consequently, the rules will have to be changed accordingly at some later date.

7. The Secretary General invites the Council to take note of the above.

End of document UPOV/C/IV/6.
Follows one Annex

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Rules on the procedures for technical and administrative cooperation between the Union for the Protection of New Plant Varieties and the Unions administered by the United International Bureaux for the Protection of Intellectual Property

THE FEDERAL COUNCIL,

Having regard to Article 15 of the Convention for the Protection of New Varieties of Plants, signed in Paris on December 2, 1961 (hereinafter called "the Convention"), which provides for the establishment of an Office of the International Union for the Protection of New Plant Varieties (hereinafter called "UPOV") and places it under the high authority of the Swiss Confederation,

Having regard to Article 1(3) of the Convention, which provides that the seat of UPOV and its permanent organs shall be at Geneva,

Having regard to Article 23(3) of the Convention, which provides that the Secretary General of the Office of UPOV and the officials of the senior grade shall be appointed, on a proposal by the Council of UPOV, by the Government of the Swiss Confederation, which shall determine the terms of their appointment,

Having regard to Article 25 of the Convention, which provides that the procedures for technical and administrative cooperation between UPOV and the Unions administered by the United International Bureaux for the Protection of Industrial, Literary and Artistic Property--also known as the United International Bureaux for the Protection of Intellectual Property (hereinafter called "BIRPI")--shall be determined by rules established by the Government of the Swiss Confederation in agreement with the Unions concerned,

Having received the agreement of UPOV through the agency of the President of the Council of UPOV,

Having received the agreement of the Unions administered by BIRPI through the agency of the Director of BIRPI,

Whereas, in application of Article 21(g) of the Convention, the Council of UPOV has decided to propose to the Government of the Swiss Confederation that the person who is at the present time Director of BIRPI, and any person who, in the future, is Director of BIRPI, should be appointed Secretary General of the Office of UPOV,

Whereas, in application of Article 20(2) of the Convention, the Council of UPOV has, after consulting the Government of the Swiss Confederation, adopted the administrative and financial regulations of UPOV and whereas BIRPI has given its agreement to the said regulations,

Acting on a proposal of the Federal Political Department

adopts

The following Rules:

Article 1

Seat of UPOV

The seat of UPOV shall be at Geneva with BIRPI.

Article 2

Secretary General of UPOV

The person who is at the present time Director of BIRPI, and any person who, in the future, is Director of BIRPI, shall be the Secretary General of the Office of UPOV (hereinafter called "the Secretary General").

Article 3

Vice-Secretary General of UPOV

- (1) There shall be established a post of Vice-Secretary General.
- (2) Notwithstanding the hierarchical subordination of the Vice-Secretary General to the Secretary General, the Vice-Secretary General shall have the right:
 - (a) to be present at all the meetings of the Council of UPOV,
 - (b) to report directly to the Council of UPOV whenever he is in disagreement with any act, plan or proposal of the Secretary General.

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Article 4

Plant Varieties Department

(1) A Plant Varieties Department shall be established within the Office of UPOV, which will be responsible for all questions relating to the substance of the Convention for the Protection of New Varieties of Plants and for all activities concerning international cooperation in the field of the protection of new plant varieties.

(2) Subject to the responsibilities of the Secretary General, the said Department shall be under the direction of the Vice-Secretary General.

Article 5

Appointments and Dismissals

(1) The Council of UPOV, before making proposals regarding the appointment of any official of the senior grade in the Office of UPOV, and the Swiss Government, before proceeding with such appointment, shall hear the opinion of the Secretary General and of the Vice-Secretary General.

(2) The same shall apply before terminating the appointment of an official of the senior grade.

(3) "Official of the senior grade" shall mean any official whose post is classified P.4 or above.

Article 6

Remuneration

(1) The Secretary General shall receive a salary whose annual amount is fixed by the Council in agreement with the Swiss Government as a percentage of his salary as Director of BIRPI.

(2) The post of Vice-Secretary General shall be classified as grade D.1, at a step which is to be determined with due regard to the experience of the person appointed.

(3) The posts of other officials of the senior grade shall be classified P.5 or P.4 in accordance with the procedure laid down in the Staff Regulations and Rules.

Article 7Administrative Services

- (1) BIRPI shall satisfy the requirements of the Office of UPOV as regards:
- (a) premises, their upkeep (cleaning, heating, lighting) and their furnishing and equipment (furniture, office machinery, telephones),
 - (b) financial administration (internal audit, receiving and disbursement of funds, etc.),
 - (c) mail and documents (typing, reproduction, incoming and outgoing mail, registration of mail, etc.),
 - (d) organization of meetings (rooms, interpreters, sound recording) as well as the organization of travel (tickets, hotel reservations, etc.),
 - (e) purchase of material, equipment and office furniture,
 - (f) translation of documents,
 - (g) publications (printing, distribution, sales, subscriptions),
 - (h) the personnel service,
 - (i) any other service which may be agreed between UPOV and BIRPI.

(2) The requirements of UPOV shall be met on a basis of strict equality with the requirements of the other Unions administered by BIRPI.

Article 8Indemnification of BIRPI

(1) UPOV shall indemnify BIRPI for any service rendered to UPOV by virtue of Article 7, above, and for any expenditure that it may incur on behalf of UPOV.

(2) The value of any service and of any expenditure by BIRPI affecting both UPOV and one or several of the Unions administered by BIRPI shall be apportioned in proportion to the

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relative interest of each of the Unions. The indemnification owed by UPOV to BIRPI shall correspond to the proportion of UPOV's interest in the said service or the said expenditure.

(3) The details of the evaluation of any service and expenditure shall be established by the Council of UPOV, the competent organs of BIRPI and the Government of the Swiss Confederation.

Article 9

Independence of the Office of UPOV

Without prejudice to the application of Article 7, above, the Office of UPOV shall exercise its functions in complete independence of BIRPI.

Article 10

Termination of Cooperation

(1) The cooperation defined in these Rules may be denounced by one or other of the parties by means of a written notification addressed to the Head of the Federal Political Department by the President of the Council of UPOV or by the Director of BIRPI. Such notification may but need not give reasons. It may not be made before January 1, 1972. It will take effect on December 31 of the year during which the notification is made if it is made during the first three months of that year, whereas it will take effect on December 31 of the year following the year during which the notification is made if it is made during the last nine months of the year.

(2) All cooperation between BIRPI and UPOV, including its Office, shall automatically be terminated on the day when the person who is Director of BIRPI is no longer also Secretary General of UPOV, whether because the post of Secretary General has been filled by another person, or because the post of Secretary General is no longer filled. It shall nevertheless be understood that if the post of Director is temporarily vacant, the person exercising the functions of Director ad interim of BIRPI shall automatically also act as Secretary General ad interim of UPOV.

Article 11Application, Modification and Abrogation of
the Rules

The Federal Council, in its capacity as Supervisory Authority of the Unions concerned, shall supervise the application of these Rules. It may modify or abrogate the Rules in agreement with UPOV and BIRPI.

/End of Annex
to document UPOV/C/IV/6