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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

COUNCIL

Fifth Session

Geneva, October 13 to 15, 1971

PROVISIONAL RULES OF PROCEDURE
FOR THE
EXCHANGE OF VARIETY DENOMINATIONS

Adopted by the Council

THE COUNCIL OF THE UNION FOR THE PROTECTION OF NEW PLANT
VARIETIES,

By virtue of Article 21(h) of the Convention for the
Protection of New Varieties of Plants (hereinafter referred
to as "the Convention"),

Conscious of the fact that Article 13(6) of the
Convention provides that proposed variety denominations
shall be exchanged, through the Secretariat of the Union,
between national plant breeders' rights offices (herein-
after referred to as "competent authorities") with the aim
of giving, as far as possible, a plant variety submitted for
protection the same denomination in all member States,

Conscious of the fact that the above-mentioned paragraph
further provides for notification of all registered denomina-
tions by the Secretariat to all member States of the Paris
Union for the Protection of Industrial Property to enable
them to inform their Trademark Offices of the denominations,

Considering that for the time being the Secretariat of the Union does not have sufficient staff to carry out the tasks provided for in Article 13(6) of the Convention, and that, in view of the small number of member States, the costs involved in enabling the Secretariat to perform these tasks are found to be too high,

Considering therefore that for the time being it is not possible to implement the provisions of Article 13(6) of the Convention regarding the envisaged tasks of the Secretariat,

Desirous of achieving, provisionally, as far as possible by other means the same result as that which is aimed at by Article 13(6) of the Convention, until such time as Article 13(6) can be implemented,

RECOMMENDS unanimously that the competent authorities of the member States consult one another concerning submitted variety denominations in accordance with the provisional rules set forth hereinafter:

PROVISIONAL RULES OF PROCEDURE
FOR THE EXCHANGE OF VARIETY DENOMINATIONS

Article 1

(1) The exchange of (proposed, rejected, withdrawn, approved and registered) variety denominations between the competent authorities of the member States shall be based on the Bulletins published by those authorities in compliance with Article 30(1)(c) of the Convention, hereinafter referred to as "the Bulletins."

(2) Each competent authority shall send copies of its Bulletin to the competent authorities of the other member States immediately on its publication, the number of copies to be agreed between them.

(3) In order to facilitate the tasks of the other competent authorities, each competent authority shall draw up and publish its Bulletin as outlined in Annex 1 to these Rules.

Article 2

For the purpose of making it possible to put forward objections to a submitted denomination, the competent authority having received the denomination shall, as soon as possible, insert it in its Bulletin after a preliminary check.

Article 3

(1) Upon receiving the Bulletins from other member States, each competent authority shall examine the proposed denominations published therein.

(2) If the competent authority of a member State finds a denomination mentioned in paragraph (1) unsuitable in that State, it shall forward its objection directly to the competent authority which published the proposed denomination, stating the reasons for such objection.

(3) Any objection shall be forwarded as soon as possible and in any event within three months from the date of publication of the Bulletin which contained the proposed denomination.

(4) A copy of the objection shall be sent at the same time to the competent authorities of the other member States of the Union.

(5) For the purpose of communicating the objection, the form attached as Annex 2 to these Rules shall be used.

Article 4

(1) The competent authority which has published the submitted denomination shall normally endorse any relevant objection put forward by the competent authority of a member State within the period laid down in Article 3(3) (and reject the denomination).

(2) However, the competent authority which published the submitted denomination may, as soon as possible and in any event within two months after receiving the objection, open discussions with the authority which forwarded the objection in order to persuade it to withdraw the said objection. The objecting authority shall declare as soon as possible whether its objection is final and shall inform the competent authorities of the other member States accordingly.

Article 5

Each national authority shall publish in its Bulletin all registrations of variety denominations. It shall also publish all refusals and withdrawals of proposed denominations which have been published.

Article 6

These rules should also be applied when a denomination is proposed in substitution for a denomination previously published as a proposed denomination or an approved denomination.

/End of document.
Annexes follow/

LAYOUT OF BULLETINS1. Information

Each Bulletin shall contain the necessary information regarding the following subjects, in so far as applicable in the country concerned:

- (a) proposed denominations;
- (b) changes in proposed denominations;
- (c) refusals and withdrawals of proposed denominations, as far as previously published;
- (d) approved denominations;
- (e) registered denominations;
- (f) proposals for the change of approved or registered denominations;
- (g) approved changes of registered denominations.

2. Table of contents

The chapters in the Bulletins shall be summarized in a table of contents indicating clearly, by means of a special UPOV reference, the chapters relevant to the examination of variety denominations.

3. Order within each chapter and indication of species

All varieties of the same species shall be kept together in each chapter. The species shall be indicated by their Latin (botanical) names, which may be put in brackets after the common names.

If the chapters also contain denominations for varieties not submitted for the protection of plant breeders' rights, this should be specially indicated for each such variety.

4. Reference to other Bulletins

Each Bulletin shall, at least from time to time, contain a reference to the Bulletins of the other UPOV States, recommending breeders and other interested people to study them.

/End of Annex 1.
Annex 2 follows/

Y/Ref. - I/Zn. - V/réf.:
O/Ref. - U/Zn. - N/réf.:

Objection to a Submitted Variety Denomination
Einwendung gegen eine angemeldete Sortenbezeichnung
Objection à une dénomination variétale déposée

To/An/A

Variety Denomination:
Sortenbezeichnung:
Dénomination variétale:

Species (in Latin):
Art (auf lateinisch):
Espèce (en latin):

National Bulletin:
Nationales Amtsblatt:
Bulletin officiel (Month/Monat/ (Year/Jahr/ (Page/Seite)
national: mois) année)

Applicant:
Anmelder:
Demandeur:

Objection:
Einwendung:
.....
.....
.....

Copies to the competent authorities of the other UPOV States.
Kopien an die zuständigen Behörden der anderen UPOV-Staaten.
Copies aux autorités compétentes des autres Etats de l'UPOV.

Date/Datum:
.....

Signature/Unterschrift:
.....